

By Mr. ESCH: Resolution of the National Council of the Boy Scouts of America, expressing 100 per cent patriotism and energetic support of the Government; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Resolution in opposition to the zone system as applied to second-class mail matter, by the executive committee of the Authors' League of America; to the Committee on Ways and Means.

By Mr. MILLER of Minnesota: Resolutions of the Slovenian Republican Alliance, pledging heartiest support of the Government in the war and absolute loyalty to their adopted country; to the Committee on the Judiciary.

SENATE.

MONDAY, April 22, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in Thy hands is the destiny of nations. Thou art moving forward in the accomplishment of Thy great purpose in the earth. Thou dost call us to the sphere of our personal responsibility that we may act according to the will of God and accomplish Thy divine purpose in us and through us. We pray Thee to fit us to-day for the divine obligations of the high and holy calling to which Thou hast called us as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

INTERNATIONAL PARLIAMENTARY CONFERENCE ON COMMERCE (S. DOC. NO. 218).

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of State, transmitting a copy of a dispatch from the American Ambassador at Paris stating that the Fourth General Assembly of the International Parliamentary Conference on Commerce has been postponed from the first days of May until the 2d, 3d, 4th, and 5th days of July next, which was referred to the Committee on Foreign Relations and ordered to be printed.

CENTRAL CONTROL OF GOVERNMENT WAR BUYING.

The PRESIDENT pro tempore laid before the Senate a communication from the Chamber of Commerce of the United States of America, transmitting a resolution unanimously adopted at the sixth annual meeting of the Chamber of Commerce of the United States of America, held in Chicago, Ill., on April 10, 11, and 12, 1918, upon the subject of "Central control of Government war buying," which was referred to the Committee on Military Affairs.

INSTALLMENT PAYMENT OF TAXES.

The PRESIDENT pro tempore laid before the Senate a communication from the Chamber of Commerce of the United States of America, transmitting a resolution unanimously adopted at the sixth annual meeting of the Chamber of Commerce of the United States of America, held in Chicago, Ill., on April 10, 11, and 12, 1918, upon the subject of "Installment payment of taxes," which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver.

The message also announced that the House had passed a bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10783) to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes, and it was thereupon signed by the President pro tempore.

NONUSE OF WHEAT FLOUR IN TEXAS.

Mr. SHEPPARD. Mr. President, I send to the desk a short letter from the Federal food administrator for the State of Texas, which I ask to have read. It announces the voluntary

determination of the people of Texas to abstain from the use of wheat flour for 45 days.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

UNITED STATES FOOD ADMINISTRATION,
Houston, Tex., April 15, 1918.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR Mr. SHEPPARD: I feel sure you will be proud of your State in connection with its voluntary offer to abstain from the use of wheat flour for a period of 45 days, effective to-day, until June 1, and longer if necessary. I telegraphed this information to Mr. Hoover Saturday afternoon, and requested him to cable same to Gen. Pershing, whom I had the honor of knowing when he was stationed in Texas. I thought this good news would be encouraging and give renewed vigor to our boys in the trenches in France.

This was not a hysterical movement, but one which the people of Texas were anxious to undertake. I did not make the request. The offers kept coming in unsolicited. Now, I feel that the Lone Star State has done a great thing and is setting a wonderful example to the balance of our Nation. Surely this ought to make Mr. Hoover's work in reference to flour conservation considerably easier.

With best wishes, I am,
Yours, sincerely,

E. A. PEDAN,
Federal Food Administrator for Texas.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. I present several memorials protesting against universal military service. I simply wish to state, in connection with their presentation, that I am receiving a great many letters favoring universal military service, but as these are simply personal letters I am not filing them with the Senate.

The PRESIDENT pro tempore. The memorials will be referred to the Committee on Military Affairs.

Mr. JONES of Washington presented a petition of Tacoma Lodge, No. 102, of South Tacoma, Wash., praying for the adoption of an amendment to the Constitution providing for the election of all Federal judges with short terms of office, and placing the power in the people to recall Federal judges, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Department of Massachusetts, Grand Army of the Republic, of Boston, Mass., praying for an increase in pensions of veterans of the Civil War, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Hudson, Mass., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. NELSON presented resolutions adopted by the City Council of Minneapolis, Minn., favoring the fixing of prices on cereals other than wheat, such prices to be based upon the present price of wheat, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of St. Paul, Minn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. SMITH of Arizona presented resolutions adopted by the Arizona Division of the National Association for Universal Military Training, of Tucson, Ariz., favoring universal military training, which was referred to the Committee on Military Affairs.

Mr. FERNALD presented petitions of sundry citizens of Bangor, Augusta, Belfast, and Greenville, all in the State of Maine, praying for the enactment of legislation to impose punishment on persons or organizations responsible for pro-German activities, or who in any way interfere with the successful prosecution of the war, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 4409) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes"; to the Committee on Military Affairs.

By Mr. SMITH of Maryland:

A bill (S. 4410) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; to the Committee on the District of Columbia.

By Mr. JOHNSON of California:

A bill (S. 4411) granting an increase of pension to John Clark; and

A bill (S. 4412) granting a pension to George E. Lawrence; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4413) for the division of general or special taxes assessed against any parcel or parcels of land in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 4414) granting an increase of pension to Charles Chandler (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4415) granting a pension to John S. Dodge; to the Committee on Pensions.

THIRD LIBERTY LOAN.

Mr. SMOOT. Mr. President, I send to the desk a telegram received from Herber J. Grant, chairman of the third liberty loan committee of Salt Lake, Utah, and ask that it be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

SALT LAKE, UTAH, April 20, 1918.

Senator REED SMOOT,
Washington, D. C.:

Have to-day wired William G. McAdoo as follows: "I have the honor of advising you that Utah to-day oversubscribed allotment in third liberty loan, and makes official request for place near top on national honor flag."

HERBER J. GRANT, Chairman.

LOYALTY OF AGRICULTURAL COMMUNITIES.

Mr. BORAH. Mr. President, I observed through the press last week that there were a number of people appearing before one of the important committees of the Senate testifying with regard to disloyalty in different parts of the United States. One reading the report of the hearings would conclude that the agricultural sections of the country were saturated with disloyalty. I do not know just how accurately these witnesses were reported, but the inference to be drawn from their statements was that entire communities—indeed, if not entire States—particularly agricultural or rural districts or communities were, as I said, saturated with disloyalty.

It seems, while these gentlemen were here advertising the disloyalty of the farmers and farmers' organizations throughout the country, the farmers at home were engaged in putting in their crops and subscribing for liberty bonds.

In order that the two sides of the question may go to the country and that the people in other parts of the world may understand that our farmers are no less loyal and no less devoted to this cause than any other class of people, I call attention to this item, which appears this morning in the Post:

All the States which have gone over the top and won honor flags are largely rural. Montana, whose quota was \$9,000,000, has reported subscriptions of \$14,741,000. North Dakota, with a quota of \$6,500,000, has reported more than \$10,000,000.

And North Dakota was particularly subjected to attack by some of these witnesses. You would suppose that the farmers, and it is almost entirely an agricultural State, were practically all out of sympathy with this Republic in its hour of peril. I regard it as a libel respecting those people.

Indications are that South Dakota has also subscribed its quota of \$22,000,000. Minnesota has contributed \$38,900,000, exclusive of subscriptions from Minneapolis, St. Paul, and Duluth, whose pledges amount to \$37,500,000. Northern Wisconsin and northern Michigan, which report to the Minneapolis Federal reserve bank, have about \$8,000,000 each.

Mr. President, a state of war not only calls out the great virtues of the people, but it calls out other characteristics less admirable. I trust that these political Pharisees who come here with the American flag wrapped around them to exploit their own virtues and to decry the virtues of entire communities and entire States will not be regarded as voicing the real sentiments of the American people in this war. I trust also that this wholesale denunciation of entire classes and communities will receive the condemnation at the hands of all sane and patriotic citizens which it deserves.

Mr. CUMMINS. Mr. President, I think I ought to say, if I may be permitted, in connection with and support of the observations of the Senator from Idaho [Mr. BORAH], that Iowa, a purely agricultural State, a State in which the agricultural interests overshadow every other interest, was the first State in the Union to subscribe its quota to the third liberty loan. There has been some contest between Iowa and Oregon in that respect, which I shall not attempt to settle, but I think the evidence now shows rather clearly that my State was the first to complete its subscription.

I do not mention this for the purpose of promoting that Commonwealth above others, but only to indicate that the suggestions which have been made from time to time with regard to

the attitude of the farmers toward the war and their unwillingness to bear their fair share of the burdens of the war are not well founded.

Mr. KELLOGG. Mr. President, I do not understand that the Senator from Idaho indicated that the farmers of the Northwest, including Minnesota and other States, are disloyal, but rather dissented from that view. I have lived in that country for 53 years and my associate, I guess, many more years, and we know intimately the farming communities of the Northwest. There is absolutely no foundation for any claim that the farmers are lukewarm in the war or disloyal. Their loyalty is beyond doubt. The way they have subscribed to the last liberty bonds is a strong indication of that. I did not understand the Senator from Idaho to indicate anything to the contrary, but I may have misunderstood him.

REHABILITATION OF WOUNDED SOLDIERS.

Mr. SMITH of Georgia. Mr. President, I have a letter which I would be glad to have printed in the RECORD. It relates to a bill that is pending, and I ask unanimous consent that it may be printed.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

Mr. SMITH of Arizona. I object.

The PRESIDENT pro tempore. The printing is objected to.

Mr. SMITH of Georgia. It is a short letter from a very thoroughly informed man upon the rehabilitation of wounded soldiers and what has been accomplished along that line. I think it is valuable information for the Senate, and by simply printing it in the RECORD I felt that I could give it to the Senate and to the House also without taking the time of the Senate to read it.

Mr. TILLMAN. The Senator can read it.

Mr. SMITH of Georgia. I can read it, but I move that it be printed.

Mr. SMITH of Arizona. Mr. President, it is peculiarly unpleasant to me to object to the publication of the letter in the RECORD. There is no one in the Senate I would sooner please than the Senator from Georgia, but the truth is that we are absolutely short of paper in the great Printing Office. The RECORD is already burdened with an enormous expense, and nobody reads the fine print that you find in the RECORD as it is circulated in the country. A Senator may occasionally refer to it, but I think those cases are extremely rare.

I am not doing this of my own accord particularly, but it is the desire of the Committee on Printing, and I have been requested by them to stop the practice if I could possibly do it. I hope the Senate will decline to print in the RECORD matter that ought not to be printed in the RECORD. I am not referring to this particular letter, and I know my friend from Georgia will understand my position. I am acting largely under the direction of the Committee on Printing in trying to stop the practice as much as I can.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia to print the communication in the RECORD.

On a division, the motion was agreed to.

The matter referred to is as follows:

INTERNATIONAL PAPER CO.,
New York, April 18, 1918.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

DEAR SIR: Having been identified for years in America and abroad with manufacturing interests employing many thousand men, and being familiar with labor conditions abroad and at home, I am intensely interested in your Senate bill No. 4284. It is one of the most important pieces of legislation that has been proposed. It deals with a subject of national importance which will require early attention.

At an early day our splendid young men will be returning to us, thousands of them unable to follow their own vocations and great numbers untrained in any craft.

The greatest weakness in America to-day is the lack of universal and thorough training for our young men in the various vocations. Much is being done in the agricultural colleges. The technical and industrial fields outside of agriculture almost universally fail to properly educate our young men. As a rule Americans refuse to give the time necessary for thorough training in any craft or trade.

The majority of the men in our penitentiaries are without a trade or vocation. It is this fact and the fact that they have been brought up in a vicious atmosphere that leads most of them behind the bars.

There are few large industrial concerns which have any extensive or complete system of apprenticeship.

Through your legislation or otherwise the men coming back from the front can be made efficient, can be made self-supporting, and can be put into the decimated ranks of industry, where there will always be a shortage. If you should accomplish this, the Nation would be forever indebted to you.

Now, to the point of my letter. In Europe training such as you propose is being carried on systematically and thoroughly, and they have already had the advantage of experience which has taught them what to do and, what is more important, what not to do.

If your law is put on the books and the usual red-tape methods of the departments are followed, it will be a long time before you have any reliable information on which to act. Would it not be possible for you in some way to have a very small commission—the smaller the

better—sent abroad immediately to study and report on the conditions there, on the methods they pursue, etc., so that after your legislation is in the books the Government will be in position to act very promptly?

In European countries the governments are fostering combinations in the different industries and the training of men in the different industries, so that each industry may act unitedly in attacking the outside markets of the world. It is these combinations we will have to meet when the war is over. We can not act too promptly or prepare too thoroughly.

Pardon this intrusion on your time, but I am as deeply interested in this subject as you are.

Yours, very truly,

P. T. DODGE.

LABOR CONDITIONS ON THE PACIFIC COAST.

Mr. POINDEXTER. Mr. President, I send to the Secretary's desk a letter from the secretary of the Central Labor Council of the City of Seattle, with resolutions attached. I ask that the letter and resolutions be read, and I shall ask the consent of the Senate to make some remarks upon the letter and the resolutions and call attention to some rather remarkable features of the matter.

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH of Arizona. I object.

The PRESIDENT pro tempore. The Senator from Arizona objects to the reading of the letter and resolutions.

Mr. SMITH of Arizona. Mr. President, I can only repeat what I have said before. As long as the present condition of print paper is as it is I shall object to printing anything in the RECORD except what is absolutely essential to the regular proceedings of the body.

Mr. POINDEXTER. Of course, I will not insist upon the Senator withdrawing his objection, but I would like to call attention to the character of the matter that is really a statement of the subject upon which I wish to make some remarks in the Senate. It is a matter which I regard as of vital importance.

Mr. SMITH of Arizona. Does the Senator propose now to take the floor?

Mr. POINDEXTER. Yes.

Mr. SMITH of Arizona. I have no objection if it is preceding a speech and the speech is to be based on it. I should not like to object in such a case.

The PRESIDENT pro tempore. The objection is withdrawn, and the Secretary will read the letter and the resolution.

The Secretary read as follows:

CENTRAL LABOR COUNCIL,
AMERICAN FEDERATION OF LABOR,
Seattle, Wash., April 15, 1918.

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

DEAR SIR. Please find inclosed resolutions which only in a very mild way indicate a strong undercurrent of dissatisfaction and unrest caused by what the workers have grown to look upon as unwarranted persecution of their fellow unionists in California.

At this time an appeal has gone to all local unions in this city requesting that a referendum vote be taken upon the question of declaring a strike on May 1, to continue in effect until the victimized Mooney case defendants are unconditionally freed.

Trusting that you will realize the seriousness of this acute situation and that you will be successful in precipitating action such as will make any move that will result in diminishing the productivity of the workers of the Pacific coast at this time unnecessary, I am,

Yours, very respectfully,

JAMES A. DUNCAN, Secretary.

Resolution.

Whereas a widespread suspicion exists among the workers of the Pacific coast that the bomb explosion during the preparedness parade at San Francisco and other bomb plantings in the State of California are the result of a conspiracy on the part of big business interests and some public officials in the State of California in an effort to discredit organized labor; and

Whereas the belief is general that these crimes were committed with the full intention of fastening the guilt upon working men active in labor's interests, thereby creating a false public sentiment against the organized workers, thus hindering them in their efforts to improve conditions; and

Whereas this suspicion is causing a great deal of dissatisfaction and strife at a time when there should be the utmost harmony and co-operation: Therefore be it

Resolved, That Hod Carriers, Building, and Common Laborers' Union, Local No. 242, request the Government to make a thorough investigation into these various cases and prosecute the guilty parties, whoever they may be; and be it further

Resolved, That we request the Central Labor Council of Seattle and vicinity to indorse this resolution and forward copies to the President and the Washington congressional delegation.

Mr. POINDEXTER. Mr. President, I have made some investigation of the evidence that was introduced upon the trial of the State of California against Thomas Mooney. I am familiar with the ground and the landmarks in the State of California where this heinous crime was committed. I do not claim to know as much about the evidence in the case as did the jury which convicted Mooney, but I do claim to know more about it than the writer of this letter or the authors of the resolutions which the Secretary has read. There were some seven witnesses—at least seven—who testified to personal observation of Mooney at and about the time these people were murdered. If the jury believed the testimony of any three of them, in my

judgment there was sufficient evidence, connected with the circumstances of the case, to convict the defendant.

As I understand the defense in that case, it did not claim that this testimony, if true, was not sufficient to sustain the verdict in the case; but the defense was based upon an attempt to impeach the credibility of the witnesses. The theory of Mooney's counsel was, or at least that which they presented to the court was, that these seven witnesses were all perjurers.

I am not going in what I have to say about this remarkable threat from a certain labor union in Seattle to go into an analysis of the evidence in the trial of Mooney. I want to call attention, however, to a circumstance of that trial which has a great deal of cogency in my mind in convincing me that the verdict in that case was a just one. I do not think that the circumstance to which I refer has ever been called attention to. It was a very slight circumstance. It might very well have passed unnoticed.

There was a woman who testified in the trial of Billings, who was first tried, who was convicted, and who was sentenced to life imprisonment, by the name of Edeau, a woman who lived in Oakland. Later on, when Mooney was put upon trial, she testified in Mooney's case. Mooney had testified in the trial of Billings, the first defendant who was tried, and was present at his trial; he was charged to be his accomplice and was the principal defendant in the group of defendants who had been apprehended and charged with this wicked murder. When the Edeau woman testified in the Mooney case that at half past 1 o'clock on the 22d day of July—which was about 36 minutes before the bomb exploded, killing 10 people, and wounding 36 others—that she saw Mooney, Mrs. Mooney, and Billings get into an automobile, driven by a man by the name of Weinberg, in front of 721 Market Street, and proceed on Market Street toward Steuart Street, seven blocks away, at the corner of which the explosion occurred 36 minutes later, she was asked why, when she previously testified in the case of Billings, in the first trial, that she saw Billings get into the automobile in front of 721 Market Street and go toward Steuart Street she had not said at that time that she saw Mooney and Mrs. Mooney get into the same automobile which Billings got into. She said the reason she had not mentioned Mrs. Mooney and Mooney was because no one had asked her if anyone else got in with him. Mooney knew whether he got into that automobile or did not; he was sitting present at the trial of Billings and testified in that trial; and I believe that the reason that Mrs. Edeau was not asked the question of who else got into the automobile with Billings was because Mooney knew that she would say, "You got into it with him," and the failure to ask that question of that witness by his counsel when that trial was on has a great deal of weight in my mind. It demonstrated the fact that Mooney did get into the automobile and did not want to have that fact disclosed in the trial of Billings, and that that was the reason that question was not asked and that the testimony of this witness—this Edeau woman—was true. Her testimony for that reason bears the marks of truth.

Mr. President, having made that preliminary remark about the testimony in the case, I want to speak about this rather remarkable production which was addressed to me and, I understand, was addressed to my colleague [Mr. JONES] and perhaps other Members of the delegation from the State of Washington, which has been read at the Secretary's desk.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. Yes.

Mr. BORAH. Before the Senator takes up the discussion of the resolution, will he give an answer to a question with regard to the witness whose testimony has been discussed in the public prints more than any other one witness, and upon which the defense relied more apparently than upon anyone else, and they relied on that for a new trial? I ask this question because I see the Senator has studied the case, and I know that this particular point is one which has been accentuated throughout the country.

Mr. POINDEXTER. I think I know what the Senator from Idaho has in mind.

Mr. BORAH. I have reference to a man who testified, and who was the main witness—so designated by the public prints—and who afterwards in a letter seemed to confess that he had testified falsely, and asked a friend of his to join with him in corroborating his testimony, and so forth, and stating to him—I can not use the exact language, but in substance—that he would be taken care of. That man was a farmer, who had formerly lived in Illinois and who wrote back to his friend in Illinois with reference to that. I confess that that letter had considerable effect upon me when I read it. I have not studied the evidence of the trial, but for a man, upon whose testimony they

mainly relied for conviction, to have written a letter practically admitting that he testified falsely and asking a witness to come in and to corroborate him because he was being attacked, would have an effect upon any man who believed in the integrity of the courts. I know the Senator's capacity for judging evidence and his experience in that matter, and I should like to know if he has reviewed that branch of the case at all?

Mr. POINDEXTER. I have.

Mr. BORAH. What is the Senator's opinion of that?

Mr. POINDEXTER. There is nothing in that circumstance which would change my opinion as to the guilt of the defendant upon the entire evidence that was introduced in the case. There has been a great deal of false impression—I had that myself—in regard to the conduct of this man Oxman, who is the witness to whom the Senator from Idaho refers. Oxman was a cattleman in Oregon. He was visiting in San Francisco on the day of the parade; he stopped at one of the hotels about two blocks from the ferryhouse where the parade started. He testified that he saw Mooney and his associates in and about the scene of the murder. After the trial it was disclosed—and a great sensation was made of that—that this man Oxman had written letters to an acquaintance of his by the name of Rigall in Illinois, asking Rigall to come out and corroborate his testimony, stating that he needed some corroboration, having been attacked as having testified falsely in the case. I read those letters very carefully, and I got a different impression about the matter from reading the letters themselves than that which I had received from reading certain magazine accounts of them. While the letters of Oxman to Rigall are the letters of a very ignorant man, being badly spelled, poorly expressed, and very foolish, there is nothing in them that I saw that could necessarily be construed as an effort upon Oxman's part to get Rigall to testify falsely or offering him any bribe or anything of that kind. There is no admission whatever in the letters that he himself had testified falsely and no intimation of any such admission on Oxman's part.

Mr. THOMAS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I yield.

Mr. THOMAS. May I ask the Senator if Oxman was not afterwards tried on a charge of perjury and acquitted?

Mr. POINDEXTER. The grand jury declined to indict him.

Mr. JOHNSON of California. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. I yield to the Senator.

Mr. JOHNSON of California. Not for the discussion of the Mooney case, which I think will be appropriately taken care of, but in the interest of historical accuracy, may I ask the Senator if he recalls that after Oxman had written to Indiana to a man whom he knew was not present, asking that individual to come to California and testify he was present, and after the man whom Oxman knew was not there had come in pursuance of Oxman's letter, Oxman took that particular individual, Rigall, to the authorities in San Francisco and said substantially: "This is the man who was with me at the particular time and saw just exactly what I did." Does the Senator recall that as part of the testimony?

Mr. POINDEXTER. No; I am not aware that there was testimony of that kind. I was speaking of the letters that Oxman had written to Rigall.

Mr. JOHNSON of California. In pursuance of which—

Mr. POINDEXTER. If the Senator will allow me just at this point to complete what I was about to say, then I will yield to him. There is nothing, so far as one can see from the letters, to indicate whether Rigall was in California or not at the time of the tragedy. Oxman testified that he added a postscript to the letter upon a separate sheet, in which he stated that if Rigall did not see him there, of course he would not be expected to testify; but what he held out as the inducement was not a bribe, or anything of that kind, but simply a rather glowing account of the fine trip he would have and the amount of mileage to which he would be entitled as a witness.

Mr. BORAH. Mr. President—

Mr. POINDEXTER. I am not defending the witness Oxman at all.

Mr. BORAH. I was going to say that I take it the Senator relies upon the testimony as being sufficient outside of the Oxman testimony.

Mr. POINDEXTER. I do.

Mr. BORAH. I certainly do not think anybody would want to convict a man upon Oxman's testimony after that statement.

Mr. POINDEXTER. I would not, I will say, if the case depended solely upon Oxman's testimony; but the Senator will recognize that bad witnesses often tell the truth. Whether or

not Oxman saw these people at the time he said he did, I do not know, but whether he did or not, my opinion as to the guilt of Mooney is not changed.

Mr. JOHNSON of California. Mr. President, just one further circumstance. As I have indicated, this is a case which I have declined to discuss here and shall decline to discuss in the future, because of obvious reasons—obvious to me at least—but I wanted to call to the Senator's attention the further fact that Weinberg, the driver of the jitney bus, subsequently was tried, and Oxman after his letters were developed did not testify at the trial of Weinberg.

Mr. POINDEXTER. I am aware of that.

Mr. JOHNSON of California. And Weinberg was acquitted. I am not speaking merely of Oxman's testimony—

Mr. POINDEXTER. If I may ask, inasmuch as the Senator has interrupted me on the subject, what is the opinion of the Senator from California as to the guilt or innocence of Thomas Mooney?

Mr. JOHNSON of California. I have no opinion. The difficulty with the case, since the Senator asks me, I will state to him is this: The defendant is an unworthy man, capable of the crime; a man who has indulged in the past in practices in which he should not have indulged.

Mr. POINDEXTER. Who?

Mr. JOHNSON of California. Mooney.

Mr. POINDEXTER. What practices?

Mr. JOHNSON of California. I think that he was engaged in transporting on various occasions dynamite, and, in my opinion, he was capable of this offense. My opinion of Mooney is a prejudiced opinion; but, in my opinion, too, the testimony that contributed most to his conviction was the testimony of Oxman; and Oxman was not ascertained to be what he was until after the trial of Mooney. Mooney perhaps would not have been convicted but for Oxman's testimony. There you have the situation from my standpoint.

Mr. POINDEXTER. Of course, Mr. President, that is an opinion, and there might be an infinite variety of opinions from different people even among jurors. Oxman was one out of some seven witnesses who testified as to the presence of Mooney and the conduct of Mooney in connection with the explosion.

Mr. JOHNSON of California. Oh, yes; but he was the witness who testified with greatest particularity, and his testimony, according to many of those who were present at the trial, was the convincing testimony in the Mooney case.

Mr. SHERMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I yield to the Senator from Illinois.

Mr. SHERMAN. Before the Senator takes up the discussion I should like to ask him a question. I will first state that I have had a number of communications on this subject from various labor unions, some in my State and some elsewhere. Some suggest the calling of a general sympathetic labor strike on May day throughout the United States, one of which, I think, is now called in the State of Rhode Island. Most of them recite their conviction of the innocence of the defendant. The Board of Mediation, of which John H. Walker, president of the Illinois Federation, is a member, by the President, was dispatched some time ago to the Pacific coast to investigate labor conditions. The commission not only investigated labor difficulties but undertook to pass upon Mr. Mooney's case, and did so.

Mr. POINDEXTER. I have some quotations from their report, to which I will call attention later.

Mr. SHERMAN. They recommended to the President that he communicate with Gov. Stephens, of California; and the President, as I remember, did so, asking executive clemency. I was going to ask the Senator if he intends to take up that matter?

Mr. POINDEXTER. Oh, yes.

Mr. SHERMAN. I am glad of that, because I am interested in the matter, as it relates to my own section of the country, as well as to California.

Mr. POINDEXTER. I am very glad the Senator has made that statement, because it corroborates my opinion as to the importance of the question and the widespread movement which has grown out of it. It is a matter of paramount importance, in my judgment.

The letter and resolutions which have just been read by the Secretary of the Senate exemplify and illustrate a movement of certain lawless elements in the United States and in other countries, particularly in Russia, which if not arrested will plunge the world into anarchy and bloodshed. This letter and these resolutions, coming from the Central Labor Council of the important industrial city of Seattle, Wash., and from certain local labor unions affiliated with that council, are noth-

ing more or less than an attempt at blackmail of the Government, both State and National. It is a threat on the part of these false representatives of labor to take advantage of the desperate emergency of war in which this country is now involved, by shutting off production of needed equipment and supplies from our soldiers in the field, to coerce the authorities of the law into setting free Thomas Mooney and an accomplice, who have been convicted by due process of law, upon the unanimous verdict of a jury of 12 men, of the crime of murder.

Mr. FLETCHER. Mr. President—

Mr. POINDEXTER. I will yield just a little later, if the Senator please. I would rather make this connected statement, and then I shall be glad to yield to any question that the Senator cares to ask.

Mr. FLETCHER. I simply wanted to ask the Senator if it is not a fact that this was a prosecution entirely under State law, not in a United States court, no Federal question at all being involved, but entirely a matter of State jurisdiction?

Mr. POINDEXTER. That is one of the main points to which I want to call attention.

The murders of which these men were convicted were out of the ordinary. The patriotic citizens of San Francisco, responding to the noblest emotion which civilized man has developed—patriotic love of country and of their fellowman—were marching in a so-called preparedness parade on the 22d day of July, 1916. Men, women, and children were taking this means of expressing their sympathy with the work of preparing their country to protect the rights, liberties, and lives of its citizens. They had committed no offense against the perpetrators of this crime.

Innocent and unsuspecting, they were engaged in a demonstration of loyalty to their country. While they were walking peacefully on the street in this parade a fiend, uniting the malice of the devil with the intelligence of the human mind which was given to him for a better purpose, exploded among these peaceful and innocent citizens a bomb which destroyed the lives of 10 people and wounded 36 others.

Thomas Mooney, the man mentioned in the letter and the resolutions which have been read, was put upon trial for this offense. He was defended by the ablest counsel that influence and money could procure. Every protection which our most liberal and considerate judicial system casts around the person of a prisoner was given him. A judge, sworn to enforce the law and subject to the review of a higher court, ruled upon the evidence that was introduced and kept it within those humane lines which the Anglo-Saxon people have devised for the ascertainment of the truth and the protection of the rights and liberties of the individual. A jury of 12 men of the vicinity, ascertained under oath to be without prejudice or preconceived opinion or interest in the case, were sworn to render a true verdict. The defendant, through his counsel, introduced his evidence, cross-examined the witnesses of the State, had a full hearing upon every clue, phase, and argument which the ingenuity of brilliant lawyers employed in his defense could devise. The jury of 12 returned a unanimous verdict that the defendant, Thomas Mooney, was guilty of the cowardly and infamous crime.

The writer of the letter which has just been read and those who are responsible for the passage of the resolutions attached did not hear this evidence nor the arguments in the case and, of necessity, under the circumstances in which they are situated, can not possibly be in a position to render judgment upon it. The jury and the court which tried the case concentrated their attention upon every minutia and detail to which their own minds or those of the lawyers engaged could direct their consideration. Mr. Duncan and the so-called labor leaders who induced the membership of the organizations named to pass these resolutions can not possibly know as much about the case as the jury which heard the evidence. Furthermore, they are partisans of the defendant, and for that reason not in a position to render an unbiased judgment. The resolutions on the face of them do not purport to recite facts. On the contrary, they are based expressly, by their own terms, merely upon "suspicion" and "general belief." Upon this suspicion and general belief, so stated, certain leaders of these organizations have induced their membership, or a certain portion of the same, to make the astounding charge that these murders in the State of California were committed as "the result of a conspiracy on the part of big business interests and some public officials in the State of California in an effort to discredit organized labor." As stated above, it is not claimed in putting out this scandalous, blasphemous, and wicked charge that it is based upon any information or facts, but is stated, on the contrary, to be suspicion and general belief. Such a charge in itself is a crime

against decency and all proprieties of organized society. The suggestion is unreasonable and preposterous on the face of it, suggesting a repulsive crime committed without sane motive or rational purpose.

There is no doubt that in California particularly, as well as in other States in times past, so-called "big business interests" have committed crimes of violence as well as of corruption; but always with an understandable motive, and under circumstances capable of proof. If such a suggestion as that which is boldly promulgated in this resolution were founded upon facts, a small part of the energy and resources which have been expended by the advocates of dynamite and "direct action" in the defense of Thomas Mooney would have discovered the proofs and presented them to the court. The absence of any intimation even that such proof exists shows conclusively that none does exist.

When these interests referred to were guilty of such crimes they were likewise subjected to due process of law through the courage and ability of public-spirited lawyers, such as the distinguished gentleman [Mr. JOHNSON], now junior Senator from that great State, and the fearless lawyer, Francis J. Heney. Some of the defendants were subjected to the penalties of the law. Some of them may have escaped the hands of justice, just as many others in our times have so escaped.

The business of government is to wield the sword of justice with impartiality against the offenders of the law and the enemies of society, whether they come from the ranks of big business or from corrupt and vicious so-called leaders of labor.

What is it that labor, whether it was the serf bound to the soil in the Dark Ages or the struggling mass of mankind of an industrial day, groped and struggled for but the protection of law against the hand of the tyrant? What other refuge can the oppressed have? The only other recourse is to the discretion, the humanity, the charity of a ruler; and, sad to say, the tragedies of mankind are proof that this dependence, when subjected to the temptations of self-interest, of ambition, or of hatred, is utterly in vain. The shield and protection of the weak, the poor, the man who labors with his hands, the employee of every kind, against the oppressor, the employer, the rich, the powerful, the ambitious, the wicked, is the law. The attack which the writer of the letter and the author of the resolutions introduced just now are making upon the law and upon the courts is an attack upon their own temple of safety. If the authority of the courts should be destroyed, if their carefully determined decrees are arbitrarily and without investigation, merely upon "suspicion" and "general belief," set aside; if recourse is to be had to such blackmail as that that is proposed in this communication or to terrorism, to sabotage, to dynamite and murder, to the doctrines of "direct action" of the bolsheviki and the I. W. W., the weak are the ones who will suffer in any such decision.

I venture to say that with all of the imperfections of human nature, from which we can not escape under any system that the wit of man ever devised, and with all of the mistakes which the mind of man, however well intentioned, may sometimes make, there is not a State nor a city between the two oceans in this great Republic where an honest laborer seeking protection or justice can not find a judge somewhere who will zealously guard his rights, his liberties, his property, his life, with theegis of the law against the hand of the despoiler.

Take this away, and, more than all the rest, the weak will suffer; the strong and the powerful can find means of protecting themselves; those who are vicious among them—and there are always such—will gratify their desires upon the helplessness of those who are weaker than they. Tear down the courts and the law, and there is left the spectacle of a bloody tyranny; of ignorance, avarice, and cruelty imposing its brute will upon all who differ with it or stand in its way. We see that spectacle in Russia to-day, and those who are rioting there in the gratification of their lawless desire for power are the counterparts and coworkers against law and established government of the authors of these resolutions and of the propaganda of murder, assassination, revolution, direct action, sabotage, and anarchy which is stalking through the land. The greatest issue that confronts not only the American people, but the western world, is the suppression of this arrogant, insolent, and tyrannical movement. Its leaders need to be subjected to the power of the Government.

The threat contained in these letters, to gratify their defiance of the law at the expense of our youth who are fighting for the liberty which these men enjoy, needs to be put down by the strong hand of the Government.

No one but a coward would commit such a crime as Mooney was convicted of. Those who are putting forward this propaganda are cowards in their hearts. They attempt to gain their

purpose by blackmail and stealthy secret attack. They are afraid to submit their cause to reason and the just judgment of their fellow men. They attempt by innuendo and concealment to avoid the law. They need to be dragged out of their cover and subjected to the light of public scrutiny and of judicial inquiry and to that punishment which blackmail and murder deserve.

These men do not represent labor. There is no element of our population which has more of human sympathy, more sense of justice, more love of country than the rank and file of labor and many of its true leaders. There is a vicious element in their ranks, largely composed of aliens, who are not only disloyal and seditious but enemies of the country and enemies of mankind. They preach so-called "internationalism," which is getting to be a very familiar word. They claim no country; they have and desire no fixed dwelling place; the institution of home, which is at the foundation of our social structure, has no sacredness to them; they blaspheme God and religion and set their ignorant and insolent judgment against the teachings of civilization. There are a few so-called labor leaders who take advantage of this element to advocate what they call "direct action," which means accomplishment of their ends by lawless violence. They propose to use violence upon others, and yet they cry out to heaven at any invasion of their so-called constitutional rights. They seem to have a one-sided and one-eyed philosophy. They propose sabotage and direct action against others, but claim that others have no right to use sabotage and direct action or force against them. They do not condemn, by whomsoever it was committed, the heinous crime by which the innocent citizens of San Francisco, marching in a preparedness parade, were hurled into eternity without the slightest cause, and yet even when a known advocate of such methods, like Thomas Mooney, has been given a trial in court—represented by counsel, cross-examined the witnesses for the State, given the right to testify himself, presented his own evidence—they object to his conviction and punishment. This philosophy is the same as that which lies back of the doctrine of force from whatever source it comes. The bolsheviks of Russia, the I. W. W., or direct-action Socialists of the United States are the brothers of the militarism of Prussia. All advocate and justify the doctrine that might is right, but all attach this condition—that the might must be exercised by themselves. They all object to the application of force by anyone else against them. The German tyrant contends that the submarine boat shall sink passenger ships and drown innocent women and children without notice, but objects to complying with the law of war because, as he expressly states, the submarine boats are thin and might be destroyed if they complied with the law. He believes that it is correct and proper to send a trunkful of bombs to Sweden but violently protests against the violation of diplomatic etiquette and ethics by the Swedish Government in seizing this trunkful of bombs.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator if he noticed, when the late industrial commission was conducting an investigation in the city of New York, that a Mr. St. John—a member, I think, of the I. W. W. cult—gave direct testimony to this effect: That sabotage is right, because the end justifies the means; that violence is right, because the end justifies the means; that murder is right, because the end justifies the means. Yet that man, after that testimony—the Senator will find it in the record—was allowed to march out from the room where the hearing was held, and join his compatriots in continuing the kind of thing that the Senator is so ably and properly presenting to the Senate to-day.

Mr. POINDEXTER. I thank the Senator for calling attention to that evidence, and the fact that this man was allowed to walk out and is still walking about and carrying on his propaganda is the reason why I feel justified in making these remarks this morning and calling attention to this movement of certain so-called false representatives of labor. I did not see the testimony which the Senator from New Hampshire refers to, but it corroborates, and I suppose that was the reason why the Senator interjected it at that point, the comparison which I was making between the philosophy of the I. W. W. and that of the Kaiser as to the doctrine of the end justifying the means, force being right whenever it is necessary to accomplish their ends. There is no difference whatever between them.

Now, the Prussian Government plots with Mexico, or its representative in Argentina, to seize and partition the territory of the United States, or to sink ships without notice, but vehemently protests against the impropriety of the United States in exposing its correspondence on these subjects. The I. W. W. and their principal conspirators among the small percentage of so-called

labor leaders, who misrepresent labor, advocate such murders as that of which Mooney was convicted. They have committed or procured the commitment of many such murders, yet when, as a natural consequence of these acts, an outraged citizenry hang a few of them, they protest violently against the lawlessness of the acts. That is the worst consequence of their doctrines—namely, that it leads to lawlessness—though they themselves will be the victims of it. The prime essential for any state of human existence which those who are bred to American principles can conceive of, under whatever form of government may be evolved in the experience of mankind, is order and law—the government of lives and property by a settled rule, and not by the whims, caprices, and desires of individuals. The war which these men are making against the law is a war against organized society. The consequences of it, if it is not suppressed, will be general disorder, social anarchy, poverty, and distress, hunger, and cold, ignorance and vice—a return, in short, to a condition of primeval bestiality. Out of this, if every spark of human learning and virtue shall not be extinguished in the ordeal, will ultimately come the arbitrary and tyrannical rule by the will of strong men, subject to no law. In it all there will be no such thing as even the opportunity for decent labor, at decent wages, under decent conditions; no possibility of a home, however small it may be, with its unspeakable joys. In it all there will be no possibility of enjoying the fruits of one's labors, whether it be of the artist, of the plowman, of the mechanic, of the scientist, of the discoverer, of the inventor, of the soldier, of the patriot, of the statesman, or of the author, who have all contributed to the sum total of human civilization and of what we call the wealth of the world. This is contrary to the doctrines of these people I am talking about. They claim that the accumulated wealth of the world was the result of common laborers' work; still, as everyone knows, all the vocations which I have just mentioned have contributed to what we have and what we are to-day.

If the law and the courts are to be overthrown, there will be no security in the enjoyment of the fruits of labor, nothing but slavery and woe. That is the inevitable outcome ultimately of persistence in the doctrines of force that are promulgated by the authors of these papers which the Secretary has just read. They ought to be put down, in the interest of labor, whether organized or unorganized, so that a man shall be free from their tyranny and oppression; that a laboring man may join a union if he sees fit or stay out if he sees fit, exercising his own reason and intelligence in the matter; that he shall not be coerced by a lot of soft-handed, misnamed labor leaders into giving up his position or the wages of his toil at their dictation. Labor is to be protected in the right to organize, if it sees fit, with the same obedience and compliance with the laws of the land that is required of every citizen great and small. These men are to be subjected to the law. The writers of this threat to hold up the Government, to cut off supplies from those deathless heroes who stand between us and the German horror, should be visited not only with the just indignation of an outraged public but with the punishment prescribed for blackmail, disloyalty, sedition, and treason. Any such act as that threatened in these communications should be punishable by the most severe penalties. It combines in itself elements of not only blackmail and coercion of government but of threats against all organized authority and the courts, and indicates an utter lack of human brotherhood and a cruelty beyond conception. It is in itself a conspiracy to foment sedition and insurrection both by peaceful and violent methods, express or implied. It would be giving aid and comfort to the enemy, and hence would be moral treason. The act itself would be an unspeakable crime. It is aggravated by the motives which are here insolently set forth for it, the act itself being worse than murder, deserving the extreme penalty of death, if it should result in the death of our soldiers. The threat to commit it contained in these papers is a crime against the State and the Government and should be punished.

These men should be arrested and dealt with as disloyal traitors to the land which has given them more than they could have obtained from any other Government in the world. They are false to the land which has befriended them and given them their opportunities. They have perverted liberty into license, and should be regarded as what they proclaim themselves to be in this letter and these resolutions, namely, the enemies of organized society. I say that because it is expressly proposed here, by attacking the productive power of the Government to equip and feed its soldiers and the judicial decree of California, to not only oppose but defeat the processes of the law and the vital purposes of the State and Federal Governments. That makes the authors of this proposal enemies of the people, and it is my purpose to so designate and proclaim them. I repudiate their claim that they represent labor, whether organized or unorganized. They do not know what labor is.

Their hands are soft in the luxury which they secure by preying upon their dupes. This country is a country of labor. It is a new land, without caste or privilege, where labor stands upon an equal footing and enjoys equal rights with every other element of society. In our short history we have reclaimed a continental wilderness by labor. We honor labor. However poor a man may be in this country, however hard he may work, if he joins us as a brother in such support as he is able within his power to give to our Commonwealth in this experiment which we have launched amid the tribulations of the world, he will receive the warm hand of friendship and respect of every man worthy of the blessings of freedom. There can be no greater sacrilege or blasphemy than for red-handed criminals to be fattening themselves on the fruits of honest labor and carrying on their propaganda in its name. The sooner the lines are drawn against such threats as that contained in these papers which have been read and in countless circulars, books, and documents which have been circulated by this element, the sooner the country realizes that lawlessness and revolution are threatening our institutions, the more apt we will be to escape their awful curse.

It is my purpose to-day, in this place where one speaks with a sense of responsibility and where words uttered are heard by the great American people, to proclaim my belief that the greatest responsibility which rests upon the Government to-day, both that of this Federal Union and of the several States in fulfilling their sovereign responsibilities, as a vital and component part of the issues of the war which we are waging against the doctrine of lawlessness and blood abroad, is to put down with the strong hand of lawful authority the doctrine of unbridled force and lawlessness at home.

In the report of the labor commission appointed by the President to investigate labor conditions in the West, including a report upon the Mooney case made on January 16, 1918, there are some remarkable side lights upon the connection of Mooney and his prosecution with the revolutionary agitation now demanding the attention of the world. In the eleventh and twelfth paragraphs of the report it is stated:

It is well known that the attention of the situation—

This is quoting from the report—

It is well known that the attention of the situation in the East—

Meaning in the eastern part of the United States. I have interpolated that in order to explain it—

was first aroused through meetings of protest against the Mooney conviction in Russia.

I should like the Senate to note that. Continuing the quotation from the report:

From Russia and the Western States protests spread to the entire country, until it has gathered momentum from many sources. * * * However strange or however unexpected it may be—

Says this report—

the just disposition of the Mooney case thus affects influences far beyond the confines of California.

I might transpose that and say the attempt is made to direct the disposition of the Mooney case by influences far beyond the confines of California. It is not so much a question of the Mooney case having its influence beyond the confines of California as it is a question of a band of anarchists in Petrograd undertaking to hold up the Government of the United States.

The world now knows the true character of the Russian Maximalism. We know now from actual test and demonstration all of the sincerity there is in their claim as to liberty of opinion, in view of their massacre or suppression of all who dare to differ with them. We now see from the ruin of that great country, upon which they have gotten their clutches, the true extent of their genius for government and the practical good sense of their ideas for conducting the affairs of men. They have given a living demonstration, or rather a dying one, with the unfortunate Russian people as the subject of their experiment, of their conception of justice. Seizure and confiscation of property, murder of officers, denial of God and religion, and the substitution for the fundamental principles of morality—learned and adopted through centuries of experience, even before Moses formulated them for the children of Israel in the wilderness—the emanations of the wonderful brain of Trotsky, alias Braunstein.

And so it is from the anarchists and bolsheviks of Russia that this movement has originated, culminating in an organized threat at Seattle, Wash., to tie up the war industries of the United States on the 1st day of May, 1918. And so it is from Petrograd, with its profound knowledge of the principles of American justice and of Anglo-Saxon law and liberty, and with its intimate familiarity with the proof and the proceedings in the trial of Thomas Mooney at San Francisco, that has originated the demand, accompanied by a threat, that the decrees of the courts

of the sovereign State of California must be unconditionally set aside under the pains and penalty of bolshevik terrorism.

It is well to note, Mr. President, that this labor commission, reporting officially upon the Mooney case, officially state that it did not undertake to pass upon the guilt or innocence of this man. In the eighth paragraph they use this language in addressing the President [quoting]:

But it was not deemed the province of your commission to establish the guilt or innocence of Mooney and his associates. We conceived it to be our duty merely to determine whether a solid basis exists for a feeling that an injustice has been done.

Mr. President, of course the most important question involved in this whole matter is the security of the judgments of the law and the authority of the courts.

Everyone who is familiar with criminal proceedings in American courts knows the difficulties under which the State labors in enforcing justice against a criminal defendant. The cooperation of everyone of a host of officials is essential to the success of the prosecution, however guilty the defendant may be. Weakness or corruption on the part of a grand juror, a prosecuting attorney, the judge, any one of the trial jury, or even on the part of a clerk or a bailiff of the court may, and in some cases inevitably will, result in the acquittal of a guilty person; whereas, on the other hand, the defendant is surrounded by an almost fantastic series of defenses developed through the extreme jealousy of the Anglo-Saxon people for the rights and liberty of the individual. It is necessary for the State to secure the interest and efficient cooperation of every one of a host of officials, while the complicity or corruption of any one of them will result in the freeing of the defendant. That Mooney had the benefit of all of this is recognized by the official commission referred to in the following statement in the eighth paragraph of their report:

The convictions—

Quoting from the report—

of Billings and Mooney followed trials in accordance with the established course of American procedure. It is familiar to students of jurisprudence that no system of criminal administration in the world hedges such safeguards around a case as does an American trial. The conviction, in other words, was based on evidence narrowly confined to the specific issues. Furthermore, proof of guilt had to be established beyond a reasonable doubt and established to the unanimous satisfaction of a jury of 12 persons selected from among the people. Conviction by an American jury is guilt determined by a very democratic institution. There is no question but that the jury acted in good faith, upon the evidence as it was submitted.

That is the end of the quotation from the official report.

Nevertheless the commission proceeds to say that on account of subsequent developments, and notwithstanding the fact that it has not undertaken to investigate the question of whether or not Mooney was actually guilty, the President of the United States should step outside of the functions of his Federal office and use the enormous power and influence of his position to interfere with the judicial decrees of the State of California.

It is well to bear in mind the character of this defendant, as officially reported by this labor commission. To say the least, the membership of this commission, in view of their report and their association with labor organizations, could not have been charged with a hostile bias against Mooney. This is what they say of him in paragraph 4 of their report.

Mooney at the time of his arrest was a well-known labor radical on the Pacific coast. He associated with anarchists. He was a believer in "direct action" in labor controversies. He had once been indicted for attempted dynamiting of property of a San Francisco utility, but after three trials was acquitted.

As to Billings, an accomplice of Mooney, who was convicted and sentenced to life imprisonment, this same report states as follows:

Billings, a youth touched by radical propaganda, was one of Mooney's friends. He, too, was a believer in "direct action." He had been previously convicted of carrying explosives on a passenger car.

What is the meaning of these statements? It is simply that these men were propagandists of murder and destruction of property by dynamite; that they taught and believed in as a principle of their lives just such murders as that with which they were charged and of which the jury convicted them. It seems that these men were a part of that organized army typified by the bolsheviks, the anarchists, the Industrial Workers of the World, and direct-action socialists, who at this moment are attacking by every means at their command the very foundations of the American Republic. And it is in the face of this menace which is stalking through the land and in behalf of self-confessed advocates of murder and rapine that this movement, originating with the anarchists of Petrograd and taken up in Seattle by the authors of the letter and the resolutions which have been read, is seeking, by the threat of cutting off supplies from our soldiers engaged in a desperate battle for the liberties of mankind, to coerce the Government of the United

States to invade the sovereign rights of the State of California and set these convicted murderers "unconditionally free."

This insolent threat to tie up the war industries of the United States is an outgrowth of a conspiracy which has its agents in every country and whose object is the terrorism of the world. It is time for the people of the United States to be advised. Liberty and civilization are at stake. While this propaganda is in partnership with the Prussian military autocracy, it goes further and is more deep-rooted even than that. It is a peculiar circumstance that a certain type of pacifists, who claim they are opposed to all war and for peace at any price, preach the doctrine and practice of the dynamiting of innocent people as a protest against preparedness of the United States to protect itself against foreign aggression. Others of the same type sell themselves for money to the most ruthless military tyrants and slave drivers in history, to preach peace at any price to the peasants of Russia. So works the devil in Petrograd and in San Francisco. In one form or another the same partnership between the war party of Berlin and the peace party of Lenine is at work to-day in every country in the world. Ruthless military power for Germany and helpless disarmament, anarchy, and disorder for the rest of the world is their plan.

The German militarists hired the syndicalists and bolsheviks of the United States, just as they did those of Russia. In the Literary Digest of April 20, 1918, on page 23, will be found the details of the intimate partnership and employment of the anarchists and bolsheviks of Spain by the German Embassy to carry on a secret war against the Government of that friendly neutral country whose hospitality and protection the embassy was at that time enjoying. Such is the false and traitorous heart of these people.

As showing the partnership existing between the Prussian advocates of lawless force and the dynamiters of the Mooney and the Industrial Workers of the World type, notice the detailed account of their joint labors in Russia and Spain, and bear in mind that a large part of the bolshevik and Maximalist agitators and criminals that delivered Russia, bound in slave chains to Germany, and who are now working for Germany and putting into effect in that country their syndicalist doctrines, went there from the United States, and many of them from San Francisco—and I will produce evidence to that effect whenever it is called for—and that a part of their equipment consisted of a large quantity of copies of a pacifist speech delivered in the United States Senate. Through these anarchists, syndicalists, pacifists, dynamiters, and murderers the German Embassy in Spain, wearing the mask of friendship, made secret war on the country to which it had been accredited. Von Bernstorff carried on the same Machiavellian tactics here, flourished under our protection, and stabbed us in the back. He hired men to commit arson—and there has been a great deal of proof of that published in the last day or two, in addition to what was already well known—murder, and rapine, and sardonically laughed at our innocent and rather stupid toleration. I have that from personal associates of his.

Men of the Mooney type were his tools and agents. Von Bernstorff should have been arrested here and put on trial for his crimes as any common criminal or enemy spy. When he openly advertised in advance that the *Lusitania* would be sunk without notice or opportunity for its passengers to escape he should have been held responsible as an accomplice in the murder of the women and children on board. Von Bernstorff has gone, let us hope, never to return, but his fellow spies are still plotting murder and sabotage in the United States. Every center of pacifism and bolshevism is fertile soil for their propaganda. The draft riots in Quebec were the result of their work and that of their Industrial Workers of the World and other dupes taking advantage of a situation preexisting.

If the author of this threat of a blackmail strike on May 1 and those like him are not satisfied with the principles of American justice, with the high wages that any man who works can receive in America, with the security which this country gives him in his freedom of lawful action, and in the possession of the wages of his labor, then they should look around the world and find a better place to live in. One of the blessings of American institutions is that these men are free to leave the United States if they do not like it. If they are so enamored of German autocracy as to work in its interest, they perhaps could find happiness by taking up their abode in that country, or possibly they would find more enjoyment in life in Turkey, or in Austria, or in Armenia—by contrast with the hardships which they have to endure in the United States. Especially in Russia it would seem that they could find happiness, as those who are in control advocate the same principles as theirs—of a government composed exclusively of "working men" and an army composed entirely of private soldiers.

In opening the argument for the defense in the trial in San Francisco on Friday last of Hindus and Germans charged with a conspiracy to overthrow British rule in India, Theodore J. Roche said to the jury that Capt. Fritz von Papen, military attaché of the German embassy in Washington, was the conceiving mind of this conspiracy, which, he stated, was world wide and world important. Quite a significant statement, coming from the attorney for the defense!

The attempted revolution and massacre in India; the riots and mob killings in Quebec; the tie-up of copper production in Butte; the sabotage in the wheat fields of Dakota and Washington—and I will pause at this point to say that after going to the labor and the expense of cultivating the ground and seeding the wheat, the farmers of eastern Washington last year had to organize themselves, to employ secret agents, and establish a system of rapid communication in order to protect the fruits of their labor from being burned up by Industrial Workers of the World; the "mysterious influence" which has blighted our aeroplane production; the anarchist attack upon Prime Minister Count Romanones in Spain; the colossal treason of Russia, in which—and this is one of the most remarkable things in history—a German agent, a spy, became prime minister of the country, disbanded the army, and surrendered a hundred million souls to a foreign tyrant; the burning and blowing up of factories in New Jersey and Pennsylvania; the anticorporation insurrection in Oklahoma; the murder in San Francisco of marchers in the preparedness parade; the propaganda of American bolsheviks in Petrograd to defy the judgment of the court by which the perpetrators of that crime were convicted; and the threat from Seattle to call a general strike on May 1 unless these convicts were "unconditionally freed," are all a part of one connected movement to overturn the foundations of society and set up a hobo government in its place. First, destruction; then loot and rapine; then military autocracy are the incentives and the objects of this insane program.

The intellectual vagaries of benign but irrational visionaries, the abysmal ignorance of masses of its innocent human tools, and the murderous instincts of the avowed criminal enemies of social order are the material with which it works. Many of its parts are not conscious of their connection with each other, but it all moves as a cohesive and coordinate whole from a lever which is worked by the master criminals of mankind. Their proposed prey is the human and material accumulated wealth of the world. It is an astounding occurrence, and to us, awakened from our long dream of peace, seems difficult of conception. These conspirators against the peace and happiness of mankind have taken the gifts of God—the intelligence that has come with civilization, the inventions of science, the products of modern art—and, turning them into instruments of destruction, have made war on their own Creator. Those good gifts, which were put into the hands of these men for good, have been perverted to evil purposes. It is as though they had eaten of the forbidden fruit of the tree of knowledge of good and evil, and that they will hear "the voice of God walking in the garden in the cool of the day" and saying unto this Adam, "Cursed is the ground for thy sake; in toil shalt thou eat of it all the days of thy life." It is as though again the man be "driven out" and again be "placed at the east of the Garden of Eden cherubim, and the flame of a sword" which shall turn "every way to keep the way of the tree of life."

But strange as it may seem to us that such a madness should seize the world, it is not new. Many times before have tyrants and criminals conspired to subject the world to their lust. And many times have they succeeded. Civilization as we know it is but a recent acquirement and rests upon no immovable foundations. After all, its roots go no deeper than human nature itself. And it is with the follies and follies, the mutations and vices, of men's characters that this war for its preservation must be waged. H. Rider Haggard says that an ancient civilization once flourished in the heart of Africa and left vast monuments as proof of its power and science, but that it has disappeared so completely that no man knows whence it came or whither it went; and he remarks that our civilization, so far from being permanent, hangs upon such delicate balances that their dislocation might easily destroy it and utterly blot it from the face of the earth.

I will not tax the patience of the Senate to pursue that thought, but influences that are at work to-day easily demonstrate its truth. Careful and responsible statesmen have recently pointed out that a world famine is by no means a remote possibility. Some of the fairest regions which in 1914 smiled in the comfort and beauty of art and plenty are to-day but the abode of desolation. The most beautiful monuments of religion and art are but crumbling ruins. The fields are but barren craters of chalk and clay, and their forests but shattered stumps,

their people gone, victims of starvation, lust, mutilation, and slaughter. Whole races of men—as in Armenia, Poland, Serbia—have been literally wiped from the face of the earth.

Machinery, scientific instruments, libraries, architectural examples, every appliance and muniment of learning have been consumed in the tempest of hate. Already in large areas has supervened that aftermath of regular and organized warfare—an unorganized and ruthless anarchy, as in Russia, where roving bands of human brutes are exhausting themselves in the destruction of everything that stands for modern civilization and enlightenment. Means of transportation have been paralyzed, the material with which it can be replaced has disappeared, and the inevitable result of general hunger and poverty, of the removal of all security of property and life, is a quick relapse into a primitive mode of life.

The light of the world is not a continuous or permanent one. It has gained brilliancy at various times and places, as in ancient Egypt or Assyria, and then gone out as completely as though it had never been. These same Vandals who are attempting once again to destroy the world ravaged Gaul and pillaged Rome. They extinguished a more brilliant intellectual civilization than our own, and plunged the world into utter darkness, from whose Dark Ages the light of the Renaissance did not emerge for 1,000 years.

They extinguished the light of the world, and their very name became a byword for ruthless and senseless destruction even unto this day. Their present Emperor, speaking to his troops at Aix-la-Chapelle in 1896, adjured his soldiers to imitate the example of Attila and his Huns, and if his brutal hand is not stayed by the allied forces, if the devastation he has wrought should be continued, if his partnership with the dark forces of treason, anarchy, dynamite, and revolution should prevail it may well be that the light of the world, the light of liberty and of learning, will be again extinguished, and our race be even now in the penumbra of another approaching darker age of misery and ignorance. There is only one thing with which this threat can be averted and that is force. Some have believed that the armed forces of evil could be met and combated by an appeal to their better natures. They have no better natures. Some pacifists have deceived themselves into believing that by disarming and arguing with the enemy for peace we could better preserve our ideals. It would be just as effective to repeat the Beatitudes to a Bengal tiger crouched to spring—better, in fact, because a Bengal tiger might be so surprised at such a proceeding as to be frightened away. I heard a great orator among our pacifists, in arguing against preparedness, say that "we should take the money which war costs and build macadam roads, and that if the Kaiser made war on us we should say to him we had no time for war, that we had priceless ideals to preserve for the benefit of mankind." As a matter of fact, that is what France, England, and America, in substance, did say to him, with the consequences that we have seen.

Such is the issue of mankind to-day, and such are the stakes. There is a homely old saying of "fighting the devil with fire." If Mooney advocates force, give him force. If the writer of this letter, threatening a blackmail strike against our soldiers, wants coercion, give him coercion. Only let it be lawful force administered by established authority. They and all their kind from the Kaiser down understand and respect that argument. They neither understand nor respect any other.

Liberty is at stake, and the capacity of a free Republic to save itself from being destroyed by its own freedom is on trial. More than that is at stake, and more than that is on trial. It is whether this people, the coheirs of civilization, which we have received in common with our British, French, Italian, and Japanese brethren as a priceless heritage from all the mighty labors of those who have gone before—when it is attacked from within and from without by the mightiest forces of evil ever gathered together for the destruction of mankind—will bear our share of the burden of its defense.

The time has come for our people after a long era of ease and peace in the enjoyment of the blessings of liberty and the rich fruits of a great new land to realize the vision which Milton had of them: "Methinks I see a mighty and a puissant people rousing itself as a strong man after sleep, as a young eagle mewing his immortal wing and lighting his undazzled eye in the full midday sun."

Those who have seen the glory in the faces of our young men leaving for the front, and know the love in the hearts of our women working for them at home, know that our race has not deteriorated, as some have said, and that in spite of the treason and anarchy of a few—barring some fatal blunder or weakness of our leaders in dealing with the national assassins in our midst or in marshaling our resources—these soldiers, with their heroic comrades of other lands, will return, carrying in safety,

in triumph, and in honor the ark of the covenant of liberty and civilization.

There can be no holier obligation than that which this Government owes to these men who are giving their lives to this cause, to put down at once with an iron hand this propaganda of revolution at home and to strike dead as though with the thunderbolts of Jove every traitor who seeks to cut off supplies from our armies in the field.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. I move that the Senate proceed to the consideration of the housing bill, H. R. 10265.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	New	Smith, Ariz.
Bankhead	Harding	Norris	Smith, Ga.
Beckham	Hollis	Nugent	Smith, Md.
Brandegee	Johnson, Cal.	Overman	Smoot
Calder	Jones, N. Mex.	Page	Sterling
Chamberlain	Jones, Wash.	Phelan	Swanson
Colt	Kellogg	Pittman	Thomas
Culberson	King	Poindexter	Tillman
Cummins	Lenroot	Pomerene	Trammell
Curtis	McCumber	Ransdell	Underwood
Fall	McKellar	Saulsbury	Watson
Fletcher	McLean	Shafroth	Williams
France	McNary	Sheppard	Wolcott
Frelinghuysen	Martin	Sherman	
Gallinger	Nelson	Shields	

Mr. PITTMAN. I desire to announce that my colleague [Mr. HENDERSON] is necessarily detained on official business.

Mr. GERRY. I wish to announce that the Senator from Missouri [Mr. REED] and the Senator from Kansas [Mr. THOMPSON] are detained on official business of the Senate.

Mr. BECKHAM. I wish to announce for the day that my colleague [Mr. JAMES] is absent on account of sickness.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum of the Senate is present.

TRIAL BY COURT-MARTIAL.

Mr. BRANDEGEE. Mr. President, I have been off the floor for a few minutes. The morning business has been closed?

The PRESIDING OFFICER. Yes; it has been declared closed. The Senator is recognized, however.

Mr. BRANDEGEE. I wish the Senate would allow me, then, by unanimous consent, to offer a resolution about which I spoke to the Chair before I left the floor.

The PRESIDING OFFICER. Is there any objection to the offering of the resolution at this time? There being none, the same will be offered.

Mr. BRANDEGEE. I send the resolution to the desk and ask that the Secretary read it.

The resolution (S. Res. 228) was read, as follows:

Whereas there is pending before the Senate Committee on Military Affairs a bill (S. 4364) to subject to trial by court-martial persons who endanger the good discipline, order, movements, health, safety, or successful operations of the land or naval forces of the United States by acting as spies in time of war in the United States, and for other purposes: Now, therefore, be it

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to report to the Senate whether or not in its opinion any of the provisions of said bill are in violation of any provision of the Constitution of the United States.

Mr. SWANSON. What is the request?

Mr. BRANDEGEE. The resolution is a resolution instructing the Judiciary Committee of the Senate to report to the Senate whether any of the provisions of Senate bill 4364, providing for the trial of people accused of the violation of the espionage act and some other acts Congress has passed, by court-martial instead of in the civil courts, are violative of the Constitution of the United States.

Mr. SWANSON. I have no objection to the consideration of the resolution if it does not interfere with the few minutes I have for the consideration of the housing bill.

Mr. BRANDEGEE. If there is any objection, I will let it go over until to-morrow.

Mr. NELSON. I would suggest to the Senator from Connecticut that a far better way would be to have the bill referred to the Judiciary Committee. It is in charge of the Committee on Military Affairs, and to have that committee discharged from the consideration of it and have it referred to the Judiciary Committee, I think, would be more appropriate.

Mr. BRANDEGEE. I agree entirely with the Senator that the bill ought to have gone to the Judiciary Committee origi-

nally. It simply bristles with constitutional questions and in my opinion is absolutely violative of every guaranty contained in the Constitution as to trial by jury and individual liberty.

The PRESIDING OFFICER. Will the Senator from Connecticut permit an interruption by the Chair?

Mr. BRANDEGEE. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SWANSON. Permit me to make an inquiry of the Senator from North Carolina.

Mr. BRANDEGEE. If the Senator will allow me to finish a sentence in response to the Senator from Minnesota [Mr. NELSON], then I will yield to the Senator. The only reason why I took this method was because the bill was introduced by the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs. It is his own bill and was referred to his own committee and I felt that it might be a little disrespectful to him to ask that it be taken away from his committee and sent to the Judiciary Committee. I am perfectly willing that that should be done, but the Senator from Oregon is not on the floor.

Mr. THOMAS and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BRANDEGEE. I yield to the Senator from Colorado.

Mr. THOMAS. I have requested a page to find the chairman of the Committee on Military Affairs and I think he will be here very soon.

Mr. McKELLAR. Will the Senator yield to me?

Mr. BRANDEGEE. Certainly.

Mr. McKELLAR. In view of the absence of the chairman of the Military Affairs Committee, will the Senator permit the resolution to go over until to-morrow at any rate, so that he can be here?

Mr. BRANDEGEE. I think he is in his committee room. I saw him a few minutes ago.

Mr. McKELLAR. I have been trying to find him and could not.

Mr. BRANDEGEE. I think he will be here before I complete my remarks. If not, I will be glad to comply with the request of the Senator from Tennessee.

The Senate Committee on Military Affairs has already had hearings on this bill to some extent. I went there by invitation of one of the members of the committee on Saturday afternoon hoping to hear some of the testimony which was being given in favor of the bill, but there were no witnesses there. There was an informal discussion among members of the committee, and I was permitted to remain. There seemed to be some members of the committee who were earnestly in favor of the bill. It seemed to me that if we got the judgment of the Judiciary Committee as to its constitutionality and the Senate Committee on Military Affairs would defer action upon it until after the opinion of the Judiciary Committee could be had, the same result would be accomplished; but I am perfectly willing that any Senator should substitute another motion for this resolution or make an amendment to it, if he wants to do so.

Mr. McKELLAR. Mr. President—

Mr. BRANDEGEE. I yield to the Senator.

Mr. McKELLAR. I suppose the Senator knows from having heard some remarks I made in committee on this very subject that I am inclined to agree with him. I do not think the bill will have to be referred to any other committee to ascertain whether it is constitutional or not. It seems to me it is perfectly patent and plain that it is unconstitutional. However, it seems to me under the wording of the bill it was entirely proper that the bill should have been sent to the Military Affairs Committee, and I would prefer not to have its jurisdiction ousted until the chairman is here, at any rate. I hope the Senator will let the resolution go over.

Mr. BRANDEGEE. Of course, the reference was proper enough in a certain way; it has to do with military affairs, because it provides for the trial of civilians by courts-martial, a thing that has never been tolerated in a civilized community that I am aware of. With the country calm and the courts wide open and no invasion and not the foot of an enemy on the continent of America anywhere, to ignore the courts and pass a bill which will allow a file of soldiers to march into your library where you are reading in the evening and drag you out to a military camp and stand you up against a stone wall and shoot you or hang you because you may have said something disrespectful

of the administration or the form of government is a proposition so heinous and abhorrent to any Anglo-Saxon at least that I could not entertain it for a minute.

Mr. CHAMBERLAIN entered the Chamber.

Mr. BRANDEGEE. I see the Senator from Oregon is now here. I am offering a resolution to ask the opinion of the Judiciary Committee as to the constitutionality of the so-called Chamberlain bill. If the Senator has any objection to it, of course I will let it go over.

Mr. CHAMBERLAIN. Mr. President, the bill that the resolution refers to has already been submitted to the Military Affairs Committee, and I do not see why the legal aspect of it should now be referred to some other committee. Without questioning the ability of any member of the Judiciary Committee, we have some very distinguished lawyers on the Military Affairs Committee. We have the benefit of the advice, if we want it, of the Attorney General of the United States, as well as the benefit of any opinion that we might want to call upon the Judge Advocate General for.

I think it would be rather a poor compliment to the Military Affairs Committee to have some other committee pass upon the constitutionality of an act that it has under consideration. I assume that the Military Affairs Committee would not knowingly report a bill that it thought was unconstitutional after hearings had upon it any more than the Judiciary Committee would report out such a bill, and I assume that in the discharge of its duty it would satisfy itself about that before it made any report at all.

I think Mr. President, I shall have to object to the resolution.

Mr. BRANDEGEE. I am surprised, very much surprised, that the Senator would object to obtaining the opinion of the Judiciary Committee, which contains 18 of the lawyers of the Senate, upon a bill which proposes to revise the system of jurisprudence in this country, which changes the whole court system of the country. But if the Senator objects, of course, I can not control that, and the resolution will have to go over until the following day. I give notice that I shall call it up to-morrow morning and ask the Senate to act upon it.

The PRESIDING OFFICER. The resolution will go over.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Virginia.

Mr. SWANSON. I should like to ask the Senator from North Carolina [Mr. OVERMAN], who has charge of the pending unfinished business, if he will give way to take up what is commonly known as the housing bill?

Mr. OVERMAN. I would be glad to oblige the Senator, but I made a promise that if the Senate would give unanimous consent to limit debate on and after Wednesday I would keep the unfinished business before the Senate, and I feel compelled to keep that promise.

Mr. SWANSON. I should like to give notice that as soon as the regular morning business is concluded to-morrow I shall move to proceed with the further consideration of the housing measure.

Mr. BRANDEGEE. I yielded to the Senator from Virginia—

Mr. OVERMAN. Will the Senator from Connecticut allow me?

Mr. BRANDEGEE. Certainly.

Mr. OVERMAN. I merely wish to say, in view of what the Senator from Virginia [Mr. SWANSON] said, that I shall insist on taking a recess in lieu of an adjournment to-day. I made the motion for an adjournment on Friday so that the Senator from Virginia could bring up his bill in the morning hour to-day, but, of course, the morning hour was taken up with speeches.

Mr. SWANSON. The Senator will move an adjournment this afternoon?

Mr. OVERMAN. No; I could not do that.

Mr. SWANSON. Does the agreement require the Senate to take a recess?

Mr. OVERMAN. I did agree that if the Senate would give the unanimous consent I requested, I would keep the bill constantly before the Senate.

Mr. SWANSON. I can not consent that the bill I have in charge shall have no chance of passing at an early day. I consider it to be one of the most important measures demanding action. It will increase the production of munitions by 25 to 50 per cent, and prevent delay in the whole business of fulfilling contracts for munitions of all kinds. Do I understand that until the Overman bill is disposed of it is to be kept constantly before the Senate?

Mr. OVERMAN. Unless there is some objection, I shall have to do it. If there is any objection—

Mr. SWANSON. I shall object, and there will have to be a quorum to vote on the question if the Senator insists upon a recess rather than an adjournment.

Mr. OVERMAN. The Senator has that right.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. BRANDEGEE] has the floor.

WAR AGAINST BULGARIA AND TURKEY.

Mr. BRANDEGEE. Before we become further involved in a dispute between the two bills, I ask the consent of the Senate to offer a resolution, which I ask the Secretary to read. I will let it go over until to-morrow morning, when I give notice that I shall call it up.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 229), as follows:

Whereas S. J. Res. 145, to declare a state of war between the United States of America and the Governments of Bulgaria and of Turkey, was referred to the Committee on Foreign Relations on April 2, 1918; Now, therefore, be it

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution its early consideration and report thereon to the Senate.

Mr. BRANDEGEE. I will let the resolution go over until to-morrow morning.

The PRESIDING OFFICER. The resolution will go over under the rule, without prejudice, until to-morrow.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 20th instant, approved and signed the act (S. 383) to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes.

HOUSE BILL REFERRED.

H. R. 10854. An act making appropriations for the naval service for the fiscal year ending June 30, 1919; and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

REPORT OF ALASKAN ENGINEERING COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the Alaskan Engineering Commission for the year ended December 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, April 22, 1918.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SHIELDS. Mr. President, the present Congress has made a record in the multiplicity, variety, and importance of legislation enacted never before accomplished in threefold the same time. The work it has done has not been equaled by any preceding Congress and will not be surpassed by any future Congress in volume and importance. The laws imposing taxes and providing for revenue and the appropriations for the current expenses of the Government, civil and military, not only exceed those heretofore imposed and made by the United States but those of any nation in the world within the same limited time. The laws for raising, equipping, and arming an army and providing a navy, for constructing a large merchant marine and fleets of airplanes are without a parallel in military affairs. In addition to these, many important bills concerning and affecting the personal conduct and property rights of the 110,000,000 of American citizens and of vital importance to good government in peace and war and necessary for the perpetuity and maintenance of our free institutions and the independence of our country, have been carefully considered and placed upon the statute books. The splendid manner in which the President and executive departments have met the responsibilities imposed by this legislation and discharged the numerous, varied, and important duties required of them can not be too highly commended.

Mr. President, when we consider the magnitude of the work of transforming a great Nation, engaged in agricultural, manu-

facturing, commercial, and other industrial pursuits, developing the great natural resources of their country, fostering education, advancing civilization, the cause of humanity, religious and political liberty, with their hearts filled with the love of their fellow men and the fear of God, from the paths of profound peace to a state of war, full of personal and financial sacrifice, and impending loss of the health, limbs, and lives of hundreds of thousands, and even more, of their best and noblest young men, we wonder how it has been within the power of men to accomplish it within so short a time and with the marvelous efficiency it has been done.

History will record this wonderful achievement as the greatest and most important ever accomplished by any nation so thoroughly and successfully within the compass of a year.

I will not go into the details of this stupendous work of the President and Congress, for the facts are known to all well-informed Americans.

Mr. President, while this great transformation of our country from peace to war has been in the main successful, there have been some serious mistakes and delays and some want of efficient management that have unhappily occurred in the preparation of our country for national defense and carrying on the war against Germany, and extraordinary legislation is required to meet the situation.

The Committee on Military Affairs of the Senate, after examining many civil and military officers and advising with a number of distinguished citizens, members of the advisory board of the Council of National Defense, framed and reported to the Senate a bill commonly known as the war-cabinet bill, which they believed would prevent the delays and the inefficiencies found to exist and afford relief from those conditions.

The bill under consideration, commonly known as the Overman bill, as I understand the Senator from North Carolina [Mr. OVERMAN], in charge of it, to state, was prepared under the direction of the President and introduced by that Senator for the same purpose.

The war-cabinet bill has been recommitted, and the other is now before the Senate for final action.

These bills propose extraordinary legislation demanded by extraordinary and crucial conditions confronting the country. They seek to accomplish the same ends, differing chiefly in the repository of the powers to be conferred for those purposes.

It will be somewhat tedious to the Senate, but I believe the importance of this legislation will justify a brief analysis of these bills and a comparison of their respective provisions.

I will first call attention to the provisions of these bills separately and discuss some general objections that have been made to their constitutionality and the policy and necessity for such legislation.

THE WAR-CABINET BILL.

Mr. President, I think that the provisions of the war-cabinet bill violate the fundamental law by encroaching upon the constitutional powers of the President as Commander in Chief of the Army and Navy.

I will read so much of the bill as bears upon the questions I will discuss:

Be it enacted, etc., That there is hereby created a war cabinet, to be composed of three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate, through which war cabinet the President may exercise such of the powers conferred upon him by the Constitution and the laws of the United States, as are hereinafter mentioned and described.

SEC. 2. That said war cabinet shall have jurisdiction and authority as follows:

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war, and, in the manner hereinafter prescribed, to direct and procure the execution of the same.

(b) To supervise, coordinate, direct, and control the functions and agencies of the Government in so far as, in the judgment of the war cabinet, it may be necessary or advisable so to do for the effectual conduct and vigorous prosecution of the existing war.

(c) To consider and determine upon its own motion or upon submission to it, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between any such departments, officials, and agencies of the Government.

(d) To require information from and utilize the services of any or all executive departments and executives, officers, and agents of the United States and of the several States and Territories, and of the District of Columbia, or helpful in the proper performance of the duties of said war cabinet.

(e) In the exercise of the jurisdiction and authority hereby conferred to make, subject to review by the President, the necessary orders to any such departments, bureau, official, or agency of the Government, and such decisions as the matters under consideration may require or warrant.

(f) To make rules and regulations governing its own procedure; and said war cabinet shall, upon completion of its membership, immediately organize and thereupon and thereafter proceed to an expeditious disposition of all matters coming before it.

The first section provides for the creation of a war cabinet, through which "the President may exercise such of the powers conferred on him by the Constitution and laws of the United States, as are mentioned and described in the bill."

The word "may," as the context and subsequent provisions of the bill clearly show, is used in the sense of "shall," and the powers of the President referred to are those conferred upon him by the Constitution in general as Chief Executive and specifically as Commander in Chief of the Army and Navy.

The second section provides that the war cabinet shall have jurisdiction and authority to consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the war, and to direct and procure the execution of the same; and to supervise, coordinate, direct, and control the functions and activities of all executive departments, officials, and agencies of the Government in so far as, in the judgment of the war cabinet, it may be necessary and advisable so to do for the effectual conduct and vigorous prosecution of the war.

The powers here conferred are absolute, without reference to the views or will of the President, and would entirely supersede him in the conduct of the war.

The war cabinet could take absolute charge of the conduct and prosecution of the war. The President would not have the authority to initiate or formulate any plans or policies for its prosecution. His power as Commander in Chief would be destroyed. He would be subject to the orders of the war cabinet.

The Constitution declares that "all legislative powers herein granted shall be vested in a Congress of the United States"; that "all executive powers shall be vested in the President"; and that "judicial powers of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish," and it is familiar law that these three departments are separate, coordinate, and independent and their respective powers can not be exercised or limited by the others.

The Constitution does not define legislative, executive, and judicial powers, and they must be determined by their inherent nature and the principles of our institutions. Certain powers are also specifically mentioned and conferred upon each of the departments, although they would have them under the general terms used, thus emphasizing the intention of the framers of the Constitution that the particular department should have those powers.

Among these specific powers expressly conferred is that contained in Article II, providing that the "President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States."

It will not be out of place to read in this connection from a commentator whose opinions on American constitutional law are accepted as authority by all branches of our Government.

In Black's Constitutional Law (sec. 69) it is said:

In time of peace the President has two sets of duties to discharge with reference to the Army and Navy. First, he is the Commander in Chief, and as such must exercise supreme and unhindered control. Secondly, he "shall take care that the laws be faithfully executed," and in pursuance of this duty he must give due effect to the acts of Congress which concern the Military and Naval Establishments. Congress has power to raise and support armies, to provide and maintain the Navy, and to make rules for the government and regulations of the land and naval forces. Under these grants of authority it may clearly regulate the enlistment of soldiers and sailors, prescribe the number, rank, and pay of officers, provide for and regulate arms, ships, forts, arsenals, the organization of the land and naval forces, courts-martial, military offenses, and their punishment, and the like. And all these laws and regulations the President is to carry into effect not in his character as Commander in Chief but as a part of his general executive duty, and with as great or as little choice of means and methods as Congress may see fit to confide in him. But, again, in virtue of his rank, as head of the force, he has certain powers and duties with which Congress can not interfere. For instance, he may regulate the movements of the armies and the stationing of them at various posts. So also he may direct the movements of the vessels of the Navy, sending them wherever, in his judgment, it is expedient. Neither here nor in a state of war is there any necessary conflict. The President has no power to declare war. That belongs exclusively to Congress. But when war has been declared, or when it is recognized as actually existing, then his functions as Commander in Chief become of the highest importance, and his operation in that character are entirely beyond the control of the Legislature. It is true that Congress must still "raise and support" the Army and provide and maintain a Navy, and it is true that the power of furnishing or withholding the necessary means and supplies may give it an indirect influence on the conduct of the war. But the supreme command belongs to the President alone. In theory he plans all campaigns, establishes all blockades and sieges, directs all marches, fights all battles.

Mr. McKELLAR. Will my colleague yield to me for a moment?

Mr. SHIELDS. Certainly.

Mr. McKELLAR. I want to ask my colleague whether he considers that the powers granted to the President under this bill are powers that pertain to him in his executive capacity

or powers that pertain to him in his capacity as Commander in Chief of the Army and Navy?

Mr. SHIELDS. I understand the powers proposed to be conferred to the President under the Overman bill are chiefly executive powers and not those which he has as Commander in Chief of the Army and Navy. What I am now especially discussing are the provisions of the war-cabinet bill, which cover the authority of the President as Chief Executive and as Commander in Chief of the Army and Navy.

The authorities conclusively show that while Congress has the power to declare war, raise and support armies, provide and maintain a navy, and to enact laws for the organization and discipline of these forces and of the militia, the power to command, control, and direct them is executive and is by the Constitution specifically vested in the President as Commander in Chief, and, further, that this power is plenary, absolute, and supreme, and can not be taken from him and conferred upon others or in any way limited or controlled.

It has been said that the provisions of the first section, that the President "may" exercise such of the powers conferred upon him by the Constitution and the laws of the United States, through the war cabinet, applies to all subsequent sections of the bill, and therefore the war cabinet acts merely as his agent, and he is not limited or superseded in the exercise of his constitutional powers.

I do not think this construction can be sustained, because subsections (a) and (b) expressly confer upon the war cabinet the authority to initiate as well as to supervise, direct, control, and execute all plans and policies for the vigorous prosecution of the war.

The word "may," as here used, must be construed to mean "shall," because the clear intent of the language of the bill is that the war cabinet created shall exercise the functions and activities therein outlined. The President is left no discretion concerning the conduct of the war or the instrumentalities he shall use or the plans he shall pursue. He must act through the cabinet upon plans and policies initiated and to be executed by it. Clearly this would allow the war cabinet to share with the President the executive powers conferred upon him by the Constitution.

But if the construction placed upon the bill by its authors be conceded to be true, or if amended so as to provide that the President shall exercise all the powers proposed to be conferred upon the war cabinet through that body, the infirmities I have pointed out will not be cured. The powers conferred by the Constitution upon the President as Chief Executive and as Commander in Chief of the Army and Navy are, as I have stated, plenary and absolute, and he can not be limited or restricted in the execution of them; but he has the right to determine the manner and instrumentalities through which he will discharge the duties of his high office.

This is eminently true concerning his powers as Commander in Chief, because the very nature of this office imperatively requires that in the exercise of the powers conferred and the discharge of duties to be performed he shall have unlimited discretion and supreme power. The framers of the Constitution clearly intended to centralize all the power over our armed forces in the Chief Executive by expressly providing that he should be Commander in Chief, thus recognizing the experience of all nations that war can not be conducted without absolute, if not despotic, power being concentrated in one single head.

If Congress had the power to create a war cabinet to initiate and formulate plans and policies for the President and Commander in Chief of the Army and Navy in the discharge of his duties it could do so itself and thus assume all of his functions and powers and exercise absolute control of the Army and Navy and the conduct of the war. There can be no distinction between partial limitations either as to the means and instrumentalities used by the Chief Executive in the discharge of his duties and the absolute control of them.

The absolute power of the President as Commander in Chief is vital to the very existence of the Nation and must not be interfered with in any manner.

But it may be said that the powers proposed to be conferred upon the council or cabinet are not directly over the President, but the heads of the departments and subordinate officers. This position is not tenable. The provisions of section 1 and subsections (a) and (b) of section 2 directly affect the powers of the President and supersede them.

The other sections of the bill do directly authorize the war cabinet to adjust all differences that may arise between the departments, officials, and agencies of the Government and utilize the services of any and all executive departments, executive officers, and agents of the United States and the several States, and to make and issue orders for the control of

all of the departments of the Government, subject only to review by the President. In other words, the President is deprived of the power to control the executive officers and departments and to initiate plans and policies for the prosecution of the war, and can do nothing more than approve or disapprove those formulated by the war cabinet. What sort of a Commander in Chief would he be with such limited powers?

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Tennessee yield to the Senator from Minnesota?

Mr. SHIELDS. I do.

Mr. KELLOGG. I do not suppose the Senator contends that Congress has not power to create Cabinet officials and to define their duties?

Mr. SHIELDS. Certainly not.

Mr. KELLOGG. Then, if this war-cabinet bill should be construed to be simply permissive—in other words, if the word "may" is given its natural meaning—the bill would be constitutional, would it not?

Mr. SHIELDS. That would relieve to some extent the encroachment upon the powers and prerogatives of the President, but not entirely, because there can be no restriction and no limitation and no embarrassment of the absolute powers vested in him.

Mr. KELLOGG. But if the President is left free to exercise his powers as the Executive, and simply to use a war cabinet the same as he uses any other members of the Cabinet, there can not be any doubt about the power of Congress to create such a Cabinet official.

Mr. SHIELDS. Certainly not. That is the question the Senator from Minnesota asked me a few moments ago, and to which I made the same answer; but such are not the provisions of this bill.

Mr. KELLOGG. Very well. The Senator from Tennessee is aware of the rule of construction, that such a construction will be placed upon a law as to make it constitutional if it is possible to so construe the language. If the construction is placed upon this bill simply that it is permissive; so far as the President is concerned, to exercise his powers through this cabinet, then the bill would be constitutional. I say nothing about the wisdom of it, but simply speak of its constitutionality.

Mr. SHIELDS. The Senator is correct in his statement of the rule of construction. The rule announced by him is well established, but still his suggestion does not meet the infirmities of this bill.

Mr. WOLCOTT. Will the Senator from Tennessee yield to me?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Delaware?

Mr. SHIELDS. I do.

Mr. WOLCOTT. By the expression "this bill" I take it the Senator from Tennessee does not refer to the so-called Overman bill, but to the war-cabinet bill?

Mr. SHIELDS. I have so expressly stated. I am now discussing the war-cabinet bill.

There can be no doubt but that these sections of the bill also directly affect and limit the powers of the President. The broad language of the provisions conferring powers on the war cabinet cover both civil and military establishments, and include the Secretaries of all the departments, all generals and admirals, and other officers of the Army and Navy. These are all the agents of the President and through whom he must exercise his authority.

As said by Judge Miller in his lectures upon the Constitution:

The Secretaries of the War Department and the heads of all other departments are the executive managers and agents discharging the function of the executive office under the control and with the consent of the President.

The control of these agents would be the control of the President, for the control of the agent necessarily is the control of the principal.

The President was clearly right in objecting to this bill. While chosen by the people to exercise the powers and perform the duties of the highest office in their gift, and charged with the faithful and efficient execution of them, he would, under its provisions, be unable to do so in this great emergency confronting the country, and would have no part of consequence in conducting the war for national defense. The creation of a commission with such high and sweeping powers would, in effect, abolish the office of Chief Executive and Commander in Chief, change our form of government, and create intolerable conditions.

THE OVERMAN BILL.

Now, let us examine the provisions of the bill under consideration which are intended to concentrate all administrative powers into a single executive head to secure unity of plan and promptness of decision and execution.

Its effective and operative sections are much the same as those of the war cabinet bill, and are as follows:

That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.

Sec. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof, or any part of it, either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Sec. 3. That for the purpose of carrying out the provisions of this act any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

Mr. President, the first question I will consider is whether legislation is necessary to accomplish the purposes of this bill. There are distinguished Senators who think it is not, but, as I understand them, their conclusions are based on widely different views of the source of the power of the President in such matters. There are those who believe that the President has the right to exercise all the powers proposed to be conferred in the bill and much more under what they call "the war power" supposed to be vested in him as Commander in Chief of the Army and Navy; and there are others who, I understand, think he has these powers as the depository of all executive power under article 2 of the Constitution and perhaps some existing statutes.

I can not agree with any of these views, and believe that the purposes and objects for which the bill was introduced can not be effected without its enactment into law.

I can not agree with the distinguished Senators who, in substance, express the opinion that the President, by virtue of his constitutional position as Commander in Chief of the Army and Navy, in time of war is vested with all the powers of government to enable him to successfully prosecute the war. The Senators interpret the provision that "the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into active service of the United States," to confer these extraordinary and absolute powers. They seem, in reading the clause of the Constitution ordaining that "the President shall be Commander in Chief," to have stopped with these words and not observed that such authority is confined to the Army and Navy and the militia when in Federal service. The President is not made Commander in Chief of any department of the Government.

Mr. President, that President Lincoln exercised powers for which he, as Chief Executive of the Republic or as Commander in Chief of the Army and Navy, had no warrant under the Constitution, as stated during the progress of this debate, in the conduct of the Civil War, does not justify his successors in doing the same thing. President Wilson will follow no such precedent; he will usurp no power. When he finds that he has no authority to do things which conditions and the vigorous prosecution of the war require to be done, he comes to Congress, as in this case, and asks for the authority, and I believe that in every instance it has been granted.

Mr. President, I do not agree with those who are of the opinion that republics are not so constituted that they can successfully make war and certainly that is not the case with our form of government. History, past and current, has proven and is now demonstrating that we can successfully wage war upon a large scale and with efficiency never excelled by any nation in any age. I believe this can be done within constitutional limitations and with due regard to the separation of governmental powers into three distinct and independent departments.

The Constitution was made for peace and war. The Colonies or States had just emerged from eight years of bloody and exhaustive war when it was formulated, and those who gathered together to do this great work were familiar with all the difficulties the Continental Congress and our military commanders had encountered in the conduct of that war and had in mind future wars with which they were threatened, and years of peace which they hoped for, as well as the development of the commerce and great natural resources of this great country. They provided a Government for the contingencies and necessities of peace and war, combining the necessary powers for both conditions in the same instrument. The provisions for government in peace and those for command in war come from the

same high source. They are of equal dignity, of equal authority, and are equally sacred and independent in their respective spheres and jurisdictions and must all be construed together, harmonized, and executed without encroachment on each other.

There is no question in my mind that the President, as Commander in Chief of the Army and Navy, under the Constitution and statutory authority given him by Congress, and that which should and can be given him, will have all the powers necessary to enable him to conduct this great war to a victorious conclusion without the violation of any principle of the Constitution. If he has not now sufficient authority to prosecute the war with that speed and efficiency necessary to victory, Congress has the power to give it to him and should do so ungrudgingly and promptly.

There are other Senators, who, I understand, are of the opinion that the President as the Chief Executive of the Republic and by statute has power to do the things provided in the pending bill, but so far they have not given any definite statement of their views nor pointed out the statutes which they think confer this power.

The President has very large powers over the heads of several executive departments, as the Chief Executive of the Nation, whether in war or in peace, and they and their subordinates where not otherwise provided by law are subject to his direction and control.

But the executive heads of departments have other powers than those which they obtain as the representatives and agents of the Chief Executive. Congress has, from time to time, conferred upon them and, in many instances, their subordinates or chiefs of bureaus powers which the Secretaries must execute independent and free from the control of the President, and which the chiefs of bureaus are bound to perform independent of the will of the head of the department, and are responsible only to the law for their action.

In the case of the *United States v. Symonds* (120 U. S., p. 30, L. Ed., p. 558) it is said:

The authority of the Secretary to issue orders, regulations, and instructions, with the approval of the President, in reference to matters connected with the Naval Establishment, is subject to the condition, necessarily implied, that they must be consistent with the statutes which have been enacted by Congress in reference to the Navy. He may, with the approval of the President, establish regulations in execution of, or supplementary to, but not in conflict with, the statutes defining his powers or conferring rights upon others. The contrary has never been held by this court.

And in the case of *Kendall v. The United States* (12 Pet., 610), where the direct questions arose in a mandamus proceeding against the Postmaster General to compel him to exercise a power and perform a duty imposed upon him by Congress, it was said:

The executive power is vested in a President, and as far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not, and certainly can not be, claimed by the President.

There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine that Congress can not impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law and not to the direction of the President. And this is emphatically the case where the duty enjoined is of a mere ministerial character.

Now, let us briefly examine the statutes creating the several executive departments, their officers, subordinates, and employees and conferring upon them general and special powers and duties, and see how far these departments and their officers are subject to the direction and control of the President and how far they are controlled by statutory law which neither they nor the President can ignore or violate.

The original statute creating the War Department was enacted August 7, 1789. It was provided in that statute:

The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct.

Thus absolute power was by the original statute given the President over the Secretary of War and the War Department, but subsequently, by express statutes amending it, much of the power of the Secretary of War has been conferred directly upon him and, in some instances, upon his subordinates, so that in these matters these officers are not subject to the control or direction of the President. One of these was passed in 1814, and is found as section 219 of the Revised Statutes. It reads:

SEC. 219. The Secretary of War shall from time to time define and prescribe the kinds as well as the amount of supplies to be purchased by the Subsistence and Quartermaster Departments of the Army, and

the duties and powers thereof respecting such purchases; and shall prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may by virtue of such regulations be intrusted with the same; and shall fix and make reasonable allowances for the store rent and storage necessary for the safe-keeping of all military stores and supplies.

SEC. 220. The transportation of troops, munitions of war, equipments, military property, and stores throughout the United States shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint.

The statutes creating and fixing the duties of the Secretary of the Navy closely follow the same lines as those creating the War Department. I will not consume time to read them.

The validity of these statutes and their force and effect have come before the courts in a number of cases in mandamus proceedings instituted against the Secretaries or some subordinate to compel them to perform some duty imposed, and the proceedings were sustained over the contention that it was an executive power or function of the President and could not be controlled by the judiciary, because it was a duty fixed by statute which Congress had the power to enact.

It will be found upon examination of the statutes that the heads of all the executive departments have their duties fixed by statute, and in order for the President to control them there must be some legislation of the character proposed by the present bill.

CONSTITUTIONALITY OF THE BILL.

But the able Senator from Iowa [MR. CUMMINS] says that the blanket power proposed by the bill to authorize the President to coordinate the powers and duties and transfer the functions of officers and agents in the several departments of the Government can not be legally conferred; that it would be a delegation of legislative power to the Executive.

The Senator is a very able lawyer and his opinions are always entitled to the greatest respect and most serious consideration, but I think he has fallen into error upon this question.

I agree with the Senator that the powers of the Federal Government are by the Constitution divided into three great coordinate and independent departments, and that no one of these departments can be given or can exercise those powers solely confided to either of the other departments.

Theoretically, the legislative power is that to make, amend, and repeal; the executive, that to administer and enforce; and the judicial, that to interpret and apply laws.

In the writings of Montesquien and other political scientists much consulted when the first American constitutions were framed and adopted, it is said, in substance, that the absolute separation of the legislative, executive, and judicial departments are essential to a republican form of government and necessary for the perpetuation and maintenance of the political liberties of the people. But the framers of the Federal Constitution and those of a great majority, if not all, of the States departed from this theoretical division of the powers of government, and in many important matters vested in each of them powers and authority that in strictness would belong exclusively to the others; and in some instances all departments are vested with the same power to be exercised concerning different matters, and this is especially noticeable in the vestiture of political and administrative powers. This is obvious from an examination of those several instruments, and has been frequently referred to in judicial decisions.

There are also powers which partake of the nature of both the legislative and executive, and may be conferred upon and exercised by either of these departments with equal propriety and equal safety to the rights of the people.

Judge Cooley, in his *Constitutional Limitations*, page 157, says:

If it is difficult to point out the precise boundary which separates legislative from judicial duties, it is still more difficult to discriminate, in particular cases, between what is properly legislative and what is properly executive duty. The authority that makes the law has large discretion in determining the means through which they shall be executed, and the performance of many duties which they may provide for by the law they may refer either to the chief executive of the State, or, at their option, to any other executive or ministerial officer, or even to a person specially named for the duty. What can be definitely said on this subject is this: That such powers as are specially conferred by the constitution upon the governor, or upon any other specified officer, the legislature can not require or authorize to be performed by any other officer or authority, and from these duties which the constitution requires of him he can not be excused by law. But other powers or duties the executive can not exercise or assume to except by legislative authority, and the power which in its discretion it confers it may also, in its discretion, withhold or confide to other hands.

In *Hovey v. State* (119 Ind., 395, 21 N. E., 21), it is said: The boundaries which separate the functions of the different departments are broad, clear, and distinct, as applied to matters affecting property rights or private concern, or the execution or enforcement of existing law; but it is not easy, where the Constitution is silent, to discriminate or formulate definitions as to what constitutes legislative,

executive, and judicial authority when questions of public policy, or which relate to the best means and agencies for accomplishing a governmental end, or of executing the law, are involved.

While the Congress has the sole power to legislate, and can not delegate it, it has other powers in their nature administrative and political which it may confer upon the Executive or the judiciary, or upon commissions or other agencies created by it.

POWERS CONFERRED ARE ADMINISTRATIVE.

The constitutional principle which the Senator from Iowa relies upon does not refer to administrative powers. These may be delegated to whomsoever and in such form as the Congress may deem wise and proper. Whether the power is legislative or administrative depends upon its nature and substance and not upon the manner and form in which it is conferred. The Congress acts in the form of joint and concurrent resolutions and bills, but these are not always legislative acts.

The powers proposed to be conferred upon the Chief Executive by the provisions of the pending bill are not legislative in their character and effect, but clearly administrative. They are very similar to the authority conferred upon the Secretary of Agriculture to make rules and regulations for the government of the forest reserves, which was attacked upon the ground that it was a delegation of the legislative power. The validity of the legislation as an administrative measure was upheld in the case of *The United States v. Grimald* (220 U. S., 563), from which I will read briefly:

Congress was merely conferring administrative functions upon an agent and not delegating to him legislative power. The authority actually given was much less than what has been granted to municipalities by virtue of which they make by-laws, ordinances, and regulations for the government of towns and cities. Such ordinances do not declare general rules with reference to rights of persons and property, nor do they create or regulate obligations and liabilities, nor declare what shall be crimes nor fix penalties therefor.

By whatever name they are called, they refer to matters of local management and local police. They are "not of a legislative character in the highest sense of the term, and as an owner may delegate to his principal agents the right to employ subordinates, giving to them a limited discretion, so it would seem that Congress might rightfully intrust to the local legislature (authorities) the determination of minor matters."

It must be admitted that it is difficult to define the line which separates legislative power to make laws from administrative authority to make regulations. This difficulty has often been recognized, and was referred to by Chief Justice Marshall in *Wayman v. Southard* (10 Wheat., 42; 6 L. Ed., 262), where he was considering the authority of courts to make rules. He there said: "It will not be contended that Congress can delegate to the courts or to any other tribunals powers which are strictly and exclusively legislative. But Congress may certainly delegate to others powers which the legislature may rightfully exercise itself." What were these nonlegislative powers which Congress could exercise but which might also be delegated to others was not determined, for he said: "The line has not been exactly drawn which separates those important subjects, which must be entirely regulated by the legislature itself, from those of less interest, in which a general provision may be made, and power given to those who are to act under such general provisions to fill up the details."

From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations—not for the government of their departments but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations, the violation of which could be punished by fine or imprisonment fixed by Congress, or penalties fixed by Congress, or measured by the injury done.

The bill does not propose to empower the President to create new functions or do other things than are now provided for by law, but merely to provide agents, agencies, and methods for the performance of functions, the discharge of duties, and the execution of things already authorized and provided for. No rights are created, no liabilities are imposed, and no penalties denounced. Every element of authority proposed to be vested is absolutely administrative and within the power of Congress either to exercise directly or indirectly, through any agent or agency it may select or create.

The powers here proposed to be conferred on the President are not as broad or as important as those conferred upon the Interstate Commerce Commission and upon the Federal Trade Commission, which are a combination of the legislative, judicial, and executive, and materially affect the conduct and the property rights of thousands of people. They are no broader than the powers which were conferred upon the President over the State, War, and Navy Departments when they were first created, for in these departments he was authorized to do the very things proposed in this bill. Indeed, this bill merely restores to the President the power over these departments which was originally conferred upon him when they were first organized.

I will read from the Revised Statutes. Concerning the State Department:

Sec. 202. The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations

with public ministers from foreign States or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the department, and he shall conduct the business of the department in such manner as the President shall direct.

Concerning the War Department, it was provided:

Sec. 216. The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct.

And concerning the Navy Department, we find:

Sec. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment.

The powers which the bill proposes to confer upon the President are no broader than those given to the Secretaries of State, War, and Navy over their departmental affairs and agencies by the statutes creating these offices in 1789, shortly after the Constitution was ratified by the States. I will read from the Revised Statutes sections Nos. 161 and 166, applicable to all departments:

Sec. 161. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Sec. 166. Each head of a department may from time to time alter the distribution among the various bureaus and offices of his department, of the clerks allowed by law, as he may find it necessary and proper to do.

Again, the authority proposed to be given is more of the nature of the appointive power, which is peculiarly executive, than the legislative power, for the substance and effect of the bill is to authorize the President to appoint agents or agencies already existing, to perform certain functions and duties now provided by law.

The power to transfer functions of one department or bureau to another department or bureau is nothing more than the appointment of the head of the department or chief of the bureau to which the same are transferred to perform those functions.

The Senator from Iowa [Mr. CUMMINS] is clearly mistaken in his conception that this bill delegates legislative powers and for that reason would be violative of the fundamental law. This bill creates no rights, it creates no offenses or penalties, but merely provides for the appointment of officers to discharge certain administrative duties already created and fully defined.

Mr. WOLCOTT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Delaware?

Mr. SHIELDS. I do.

Mr. WOLCOTT. I have listened with great interest to the very able argument that the Senator from Tennessee has just made touching the constitutionality of this bill. Anything that the Senator has to say upon a constitutional question always invites my very studious attention. I should like to ask the Senator if he does not think the constitutionality of this bill rests—I think he perhaps indicated this—more strongly upon the last point he has just made in arguing the question than upon the first; that is to say, it rests more strongly upon the power of the President to appoint to office than upon the power of the President to confer administrative powers in the way of making rules, and so forth? My thought, as I have considered this bill, was about as follows: That when we speak of transferring a function from one officer to another it is tantamount to saying that, conversely, instead of taking the function to the officer the President is directed to take the officer to the function, namely, to appoint the officer to do that particular thing, and under the Constitution, of course, the President may be vested with authority to appoint without the concurrence of the Senate.

Mr. SHIELDS. Mr. President, I think the legislation can be sustained upon either ground—that they are merely administrative powers or that the power is that of appointment.

Mr. President, I have read the war-cabinet bill and the Overman bill, and to some extent compared and explained their provisions. I do not deem it necessary to make any elaborate comparison of the powers proposed to be conferred by these bills, respectively, nor to point out in detail wherein those provided for in the war-cabinet bill exceed in importance, force, and effect those found in the Overman bill, for they are obvious to all Senators. I will direct attention to only some of the points of similarity and difference.

The war-cabinet bill proposes to vest great and extraordinary powers in three distinguished citizens to be appointed by the

President, by and with the advice and consent of the Senate, who are now unknown to anyone and yet to be selected, while the powers proposed to be conferred by the Overman bill are confided to the Chief Executive of the Nation, in peace and in war, charged with the responsibility and duty of the faithful execution of all the laws of the Federal Government, chosen by the expressed will of all the people, the personnel of the present incumbent being well known and trusted by everyone.

The war-cabinet bill authorizes the members of the cabinet to consider, devise, and formulate plans and policies for the conduct and prosecution of the war and procure the execution of the same. No similar provision is found in the Overman bill, because the Constitution vests these powers in the Commander in Chief of the Army and Navy.

The war-cabinet bill empowers the members of the cabinet to supervise, coordinate, direct, and control the functions and agencies of the Government as in their judgment may be necessary or advisable for the conduct of the war, which is practically the same power proposed to be given the President in the Overman bill.

The war-cabinet bill authorizes the members of this council to consider and determine, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between the departments, officials, and agencies of the Government, to utilize the services of executive departments, officers, and agents of the United States, and even of the several States, and to issue orders to any such department, bureau, official, or agency of the Government necessary to enforce their decisions, which is far more comprehensive and drastic than the power given the President in regard to the same things in the Overman bill.

The war-cabinet bill, in section 3, requires the Secretaries of War and of the Navy to assign to duty with the war cabinet such commissioned officers as it may request, and authorizes the war cabinet to also employ all clerical and other employees required for its services—powers not given to the President in the Overman bill.

Mr. President, when the powers conferred in the Overman bill are reduced to the concrete it will be found that the President is merely authorized to coordinate and redistribute the functions and duties of the various executive departments, bureaus, commissions, and other agencies of the Government, and to transfer them and their officers and employees from and to departments, bureaus, commissions, and other agencies of the Government as he may deem best to promote expedition, economy, and efficiency, all of which and more is conferred upon the war cabinet in the bill providing for it.

Mr. President, those Senators who favored the war-cabinet bill, unless they wish to press it further, can not fail to support the Overman bill upon the ground that it confers too much power without being subject to the charge of inconsistency. The Overman bill confers less power and provides for fewer changes in the organization of the executive departments, bureaus, commissions, and other governmental agencies than the war-cabinet bill, and will afford relief from the conditions now existing.

Mr. President, the plan for a division of the control and direction of the conduct of the war as proposed in the war-cabinet bill is also unsound in policy. Combining the authority of a cabinet or commission with the Executive in control of armies divides the responsibilities, produces division of counsel, indecision, and almost invariably disaster. There is not found such a system in any well-organized government of the world, and for us to now change the policy which we have so long pursued would be a dangerous experiment and fraught with most disastrous consequences.

I believe that legislation of the character contained in the bill under consideration is necessary to authorize the President to coordinate and redistribute the functions of the executive department and administrative agents and agencies of the Government, and that it will aid materially in centralizing these powers into a single head, demonstrated by experience in all ages and in all countries to be necessary for the vigorous and successful prosecution of war.

I can do no better than quote from one of the greatest jurists this country has produced upon this subject. In Story on the Constitution, volume 2, section 1491, it is said:

The command and application of the public force to execute the laws, to maintain peace, and to resist foreign invasion are powers so obviously of an executive nature and require the exercise of qualities so peculiarly adapted to this department that a well-organized government can scarcely exist when they are taken away from it. Of all the cases and concerns of the Government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. Unity of plan, promptitude, activity, and decision are indispensable to success, and these can scarcely exist except when a single magistrate is intrusted exclusively with the power. Even the coupling of the authority of an executive council with him, in the exercise of such powers, enfeebles the system, divides the responsibility, and

not infrequently defeats every energetic measure. Timidity, indecision, obstinacy, and pride of opinion must mingle in all such councils and infuse a torpor and sluggishness destructive of all military operations.

CONFIDENCE IN THE PRESIDENT.

Mr. President, there has been much said about the possibility of the abuse of the powers proposed to be conferred upon the President by the Overman bill. Woodrow Wilson needs no defense from Senators in this Chamber, and no eulogy of him or his public record as Chief Executive of the Nation is necessary. The people of the United States expressed their confidence in his integrity and ability when they called him to the greatest executive office not only in their gift but in the world, and, after four years' service, reaffirmed their confidence and approved his administration by reelecting him to a second term. I hardly need recall to Senators that during these four years more constructive legislation was enacted and more reforms successfully inaugurated than in any period of our national existence.

When we were compelled to enter this fearful war we are waging with Germany our people were contented, happy, and prosperous beyond all reasonable expectations. Our farmers and manufacturers were realizing higher prices for their products than before known; our laborers were earning the most remunerative wages of any in the world, and our domestic and foreign commerce had doubled and trebled and was increasing by great leaps and bounds.

President Wilson's administration of the affairs of the country during that period can not be successfully assailed and there are none who deny his patriotism and devotion to the interests of the people. He is recognized as one of the greatest Chief Executives that ever adorned the great office he so ably fills, and by his countrymen and all civilized peoples as one of the ablest statesmen and rulers of the world. If the personality of the present Chief Executive is to be decisive of the wisdom of the proposed legislation, there is no reason why it should not be enacted.

But, Mr. President, we should take a broader view of the question and be governed by a higher principle in determining the wisdom of conferring these great governmental powers and should ask ourselves whether we can trust the integrity, patriotism, and ability of the Chief Executive of the Nation, whoever he may be, for no man knows, in the uncertainty of human events, who may occupy that high office and administer the law. We must trust some one in all relations of life—social, business, political, and official—and there are comparatively few cases where confidence has been misplaced. God so constituted men that when they are called to positions of great power and responsibility they seldom fail to rise to the occasion and exercise those powers honestly and faithfully.

The powers proposed to be here conferred are large and vital to the interest of the public; they must vest somewhere and in some officer. Where, Mr. President, I ask, can they be placed with more confidence and with more safety to the interest of the people than in the hands of the President of the United States? Will we in this great crisis, when the freedom and happiness of our people, the perpetuity of our free institutions, the lives of our soldiers, and civilization itself are at stake and trembling in the balance, dependent upon the uncertain fortunes of war on the battle fields of France, say to the world that we are not willing to trust the integrity and ability of our Chief Executive?

Chief Justice Taney, in the great case of Luther versus Borden, which practically involved the form of government of the State of Rhode Island, concerning the act of Congress empowering the President to call out the militia of the States in cases of insurrection, said:

"It is said that this power in the President is dangerous to liberty and may be abused. All power may be abused if placed in unworthy hands. But it would be difficult, we think, to point out any other hands in which this power would be more safe and at the same time equally effectual. * * * And the elevated office of the President, chosen as he is by the people of the United States, and the high responsibility he could not fail to feel when acting in a case of so much moment, appear to furnish as strong safeguards against a willful abuse of power as human prudence and foresight could well provide."

Another great American, a profound student of history and political science and a constructive statesman, with no thought of the application I am making of it, wrote of the confidence and trust to be reposed in high officials as follows:

"If there be one principle clearer than another, it is this: That in any business, whether of government or of mere merchandising, somebody must be trusted in order that when things go wrong it may be quite plain who should be punished. In order to drive trade at the speed and with the success you desire, you must confide without suspicion in your chief clerk,

giving him power to ruin you, because you thereby furnish him with a motive for serving you. His reputation, his own honor or disgrace, all his own commercial prospects, hang upon your success. And human nature is much the same in government as in the dry-goods trade. Power and strict accountability for its use are the essential constituents of good government. A sense of highest responsibility, a dignifying and elevating sense of being trusted, together with a consciousness of being in an official station so conspicuous that no faithful discharge of duty can go unacknowledged and unrewarded, and no breach of trust undiscovered and unpunished—these are the influences, the only influences, which foster practical, energetic, and trustworthy statesmanship. The best rulers are always those to whom great power is intrusted in such a manner as to make them feel that they will surely be abundantly honored and recompensed for a just and patriotic use of it, and to make them know that nothing can shield them from full retribution for every abuse of it."

Mr. President, while I believe in constitutional government and strict observance of constitutional limitations, this is a time when we must liberally resolve all doubts concerning the validity of measures and legislation intended to strengthen the executive branch of our Government in the performance of the great, responsible, and solemn duties which it is called upon to discharge. I do not fear that the President of the United States will abuse the great powers proposed to be conferred by this bill. We are involved in the greatest war of all history, with the best prepared, most efficient, and powerful nation of the world, and we must use all our resources and devote all of our energies to bring it to a successful and victorious conclusion. There is no middle ground and no compromise—it is war to the knife and knife to the hilt; it is victory or subjugation. The indomitable spirit and unchangeable determination of the American people are aroused and fixed. We will fight to the end and we will conquer. There can be no safe and enduring peace but one made in Berlin and dictated by the President and the Congress of the United States.

Mr. FLETCHER. Mr. President, before the vote is taken on the proposed committee amendment to insert the words "or administrative" after the word "executive" in line 23, page 2 of the bill, I desire to submit some rather general observations upon it.

As to how long this war will last, no one who cares for confidence in his judgment dares prophesy. Recent developments indicate a prolonged struggle. The fact that the conflict will be long drawn out is no reason for taking our own time in furnishing men, munitions, and transportation, the three prime factors in the achievement of success. Every means for hastening the work of getting ready these essential agencies consistent with reasonable thoroughness should be employed. Every diligence should be practiced in every sphere of preparation. Everything should be done by public officials and by private citizens "for the successful prosecution of the war." At the same time we should look ahead and plan for the future on the assumption that there will be no let up for years to come in the task before us, which calls for meeting force by force to the limit.

There is nothing in the history of our enemy that would encourage us to believe that after being driven back across the Rhine he would be inclined to sue for peace. The record of Germany is 30 years in one continuous war. The loss of 40 per cent of the population is none too great for those in power. The making of war has been the business of our enemy. It has not been without profit. Denmark will testify to that when reminded of Schleswig-Holstein. France knows it full well, and by daily symbol of mourning placed on the Strasburg monument she kept her people aware of it. Alsace-Lorraine and a billion of gold were the profits of 1870 to her then and now unrelenting enemy. That enemy will be slow to acknowledge defeat. All the more necessity for making that defeat so complete that it will be impossible for that enemy who typifies the Iliad, with the Goddess of Discord brandishing torch and spear, to ever again jeopardize the peace of the world and imperil civilization.

It must be determined now whether selfishness and hate shall be the rule among nations or justice and good will. It must be settled whether the policy of aggression shall be recognized as the sound one or the policy of equality and self-development shall prevail among nations. It must be established once and for all whether a nation's greatness and strength shall hereafter depend upon its mobilizing the most terrible force and employing it in the most savage way or on intelligence, enlightenment, love of liberty, due regard for the rights of others, progress in science, art, and industry, and setting free every man to be his best and do his best. It is to be decided now and finally whether the world is to be dominated by an autocracy, under some pretense of Divine right, sustained by military power, or

whether peoples may continue to have a voice in the Government under which they live and which they support, and which is to exist for the benefit of the people at large rather than for a chosen class—whether the people are to be vassals or freemen. In brief, the issue is whether might shall conquer and control right, and that question must be settled before this war can end. It will not be settled until it is settled right, and that, we may expect, will take time and call for supreme effort.

We take one side of these questions and we realize that the cost will be stupendous, but we have always known that the price of freedom is sacrifice. Not merely giving up surplus, but giving of energy, money, and resources to the extent of all we have, if need be, is the call. We realize the undertaking is a difficult one, and therefore we are reconciled to the difficulties. If we can remove any difficulty, that helps. If we can smooth the way by displacing a single obstacle and substituting an improvement, we render real service.

No matter what the cost, irrespective of the sacrifice, without regard to the time required, we are driven to match force by force to the bitter end, that our institutions, our national life, may be preserved and the world be assured that hereafter—

Nation shall not lift up a sword against nation, neither shall they learn war any more.

If disaster follows disaster in this mighty enterprise to our arms, who will be held primarily responsible before the people of this country and before the world? Who will go down in history as having failed in the greatest war of all time in which was involved the welfare of the human race?

In case of conclusive victory, which we confidently expect and are determined to gain, who, with others associated with him in similar positions, will receive and deserve the confidence and commendation of mankind?

Plainly, the answer is, the President of the United States.

Since the responsibilities, therefore, rest on his shoulders, can there be any justification for withholding from him any power or any authority which may strengthen his arm, relieve his difficulties, or open his pathway? Why withhold from him any assistance that may be serviceable in meeting his unequalled responsibilities?

That assistance we can render, and I am sure we ought to do all we can in that direction.

I am therefore in favor of the speedy passage of this measure.

It is plain, not ambiguous or lengthy, and will accomplish these results:

First. It will enable the President to proceed at once to the very heart of the matter in hand and conclude it without any circumlocution.

Second. It will make it possible for him to make the direct and best use of all material at hand.

Third. It will facilitate the elimination of delay, duplication, and lost motion.

Fourth. It will give undoubted authority to use each and all the departments, bureaus, commissions, created by law, and all officers in the most advantageous and effective way for the successful prosecution of the war.

Fifth. If a thing should be done by the process provided in this bill to count in winning the war, he can proceed to do it on the instant, without stopping to investigate whether some statute does not project across his pathway.

Sixth. It centralizes authority where chief responsibility rests, which in war times is essential.

Objection has been raised, not, I am moved to believe, because of any lack of confidence in the President, but rather in apprehension that the authority granted may be delegated, will have to be delegated by reason of the multitudinous demands on the President, and thereby duties may be assigned to some incompetent or unfaithful hands.

It is contended by the Senator from Iowa [Mr. CUMMINS], for instance, that—

The extreme authority in the bill is to take every function of the Government, save the legislative branch and the judicial branch, and to consolidate all powers, all duties, all responsibilities, in one man, unknown, unnamed, without the consent of the Senate.

This construction is most extraordinary. The express language of the bill is, "the President is hereby authorized" to do the things set forth.

It can not be said that the President is either "unnamed" or "unknown." All the authority expressed or implied in the bill is given directly and solely to the President. He is to utilize the existing agencies. He is not empowered to create a single new agency.

The authority covered by the bill is centered solely in the President, who is named and who is known.

Arguments have been made here by members of the Committee on Military Affairs, beginning with its distinguished

chairman [Mr. CHAMBERLAIN] and including the Senator from New York [Mr. WADSWORTH] and the Senator from Nebraska [Mr. HITCHCOCK], in favor of coordinating and consolidating authority. They favored a single director of munitions and a war council of "three distinguished citizens of demonstrated ability."

We know of one possessing these qualifications in full measure. The people of the whole country have twice so declared. We might miss it as to the other two. We appeal for vesting that authority in that one—the President of the United States. This bill will accomplish that. If it is to be opposed, let it be done frankly on that ground.

In the meantime let it be remembered that we are just pulling ourselves together to play our part in the mighty struggle, just moving into action, while anxious eyes the world over are looking to us, and while Danubies of blood are being poured out in Europe, the air resounds with the roar of guns and the earth shakes "under the swiftly passing feet of men."

Mr. President, I raise no objection to criticism when it is intended to be constructive and helpful.

Criticism just for the sake of finding fault, just because it can be sustained in whole or in part, just for the reason that grounds for it exist, will not help us and is inexcusable. The effect of that sort of criticism is to discourage and demoralize. It is destructive criticism and ought to cease.

Pointing out blunders in order that they may be cured, calling attention to mistakes and shortcomings in order that they may be corrected, I make no complaint against, since, stated in good faith, that may lead to stimulating diligence and bring about changes which would result in more efficient service.

But the changes or reforms recommended I do not, in some instances, believe would result in the benefits their advocates suppose. That there have been some mistakes made in almost every department of the Government during the past year in the solution of the new problems which confronted us, under the most terrific pressure and with the untested means at hand, we may freely admit.

We may fairly claim, however, that such mistakes were comparatively negligible in quantity and in seriousness of consequences. We can fairly assert that where they were serious they were corrected, and none of them have been repeated.

I do not expect that we can hope to avoid completely mistakes in the future. We are not infallible; we can not achieve the impossible.

Every country, including "efficient" Germany, has made many mistakes. They continue to make them. They learn by experience—and we have been able to profit by their experience. The Government cabinets of England have changed twice, radically, and just avoided others. Those of France, four times; Italy, several times. They had labor troubles, too, and suffered from "profiteering" as well.

There has been no occasion for a single Cabinet change here. There are united, earnest, capable heads of departments in cordial cooperation with the President, without a break, and a Congress which has ever been ready to do its patriotic part.

We may differ among ourselves as to how best to do that part, but whatever conclusion is reached it becomes the conclusion of all.

I do not agree with some of my brother members on the Military Affairs Committee that there is or has been the need of successful business men, captains of industry, to have charge of the Ordnance Department, or, in fact, any section, bureau, or division of the War Department.

I make no reflection on business men. Many of them have been of great assistance in mobilizing the industries of the country. Others have hindered and hurt.

This getting ready for a war on a gigantic scale and conducting that war is not a business man's job. This is the people's war and the soldier's fight.

It is the trained soldier's work to get ready to fight as well as actually engage in the battles.

Our need was in the outset for soldiers in command—not business men. When a country's business becomes that of waging war, the soldier's must take charge.

The business man's training and experience have been along different lines. He is accustomed, in a manufacturing enterprise, for illustration, to consider, first, what amount of capital is invested; second, what are to be the overhead expenses; third, what is the output to be and its value; fourth, what can be reasonably expected as profit.

I do not agree with the criticism that West Point makes a good soldier but a poor business man. In the sense that "business" plays any part in the work of preparation for war, the West Point soldier is fully equipped. He does not have to trouble with profits—there is to be none. He need not consider

overhead expenses as against requirements; he must not delay while entering into refined calculations as to expense.

He knows that no fixed amount in dollars and cents is involved—something vastly more important than that must be considered.

The soldier lays all these "business" items to one side. He risks all—fortune, reputation, life—to win.

Like the Stoic of old, he does not jubilate, he does not whine—he fights. The battle begins with him when the war is declared. He knows what he wants—leave it to him and he will get it. He knows how to use it when it is ready.

In my judgment, the criticisms would more justly lie against calling in too many "business men" and giving them too much latitude to interfere after the flag was raised and the sword unsheathed.

It then became a military matter, and trained military men should have been left free to plan, direct, and manage the assembling, equipment, and training of the military forces, under the supreme command of the President and his aids, the Secretary of War and the Secretary of the Navy, both having demonstrated preeminent abilities.

The report respecting the Aviation Section of the Signal Corps, submitted recently to the Senate, supports this view and condemns, in effect, the idea of civil control of important branches of the military operations. Here was a splendid illustration of the folly of placing civilians in practical control of the air service. I did not favor either the majority or the minority report, although both together may be held to fairly give the facts, allowing conclusions to take care of themselves.

The facts condemn civil or "business men's" control of that service which experience abroad has shown to be highly important.

The chairman of the Aircraft Board and civilian associate members have been in control of recommendations for production; and there is where humiliating disappointment has resulted. The training operations under military control have been all that could be asked.

Your "captains of industry," your successful "business men," have failed in that unforgiving delays have resulted from their conduct of affairs. No finer body of courageous and fit young men can be found than those enlisted in that service; and all they need are the machines which will enable them to "fight out the issue of right and wrong far beyond our vision."

They are ready to join what Mr. Lloyd-George describes as the "cavalry of the clouds." They are worthy to be classed as the "knighthood of this war"; they are fit to constitute the "chivalry of the air," whose "every flight shall be a romance and every report an epic."

Your civilian control makes them wait. It is claimed, I know, that the Aircraft Board has no power other than advisory. I do not so read the act of October 1, 1917. It is possible that some confusion of services, some overlapping of authority, some lack of more definite modification of the act of July 24, 1917, gave trouble in operation under the two acts.

There is need for exercise of just such powers in this connection as the pending measure contemplates. Civilians in direct charge of the work of production and a separation of production from operation—and both from the work of engineers and designers—all under one general head, would doubtless greatly improve the aircraft situation. Liberty motors have been tested in France as well as here, and are found to do all that has been claimed for them. They are coming out in satisfactory quantities. Raw materials should go forward to the factories of England and France as well as be supplied to our own factories. Our motors should be shipped abroad as well as used at home. Production will shortly meet the demands. There have been most unfortunate delays, and the causes thereof should be removed and a recurrence avoided. It must be remembered that the industry is new and those connected with it have had less than one year's experience, except that Gen. Squier has been a student of the subject and has had practical experience extending over some years. A very great deal has been accomplished, it is but fair to state.

With other branches of the service we should be fair, when disposed to criticize, by calling to mind the tremendous and important achievements to their credit.

Take the Army. Much of the criticism is about as reasonable as the Irishman's comment that the British Army was being ruined by taking in so many civilians. No country ever treated its soldiers better at any time than has the United States as directed by the Secretary of War. At the camps and cantonments the officers and men have been provided with excellent food, good accommodations, the most modern laundries, refrigerators, cooking utensils, light, fuel, recreation facilities, reading rooms, athletic field, entertainment, and the very best in-

fluences for the promotion of their physical, mental, and spiritual welfare.

The camps and cantonments have been arranged in accordance with scientific sanitary requirements and have been extraordinarily healthy and wholesome.

The details of the "First year of America's participation, reviewed by department officials," will be found in the Official Bulletin of April 8, beginning with page 9 and ending with page 16.

Just for illustration and as examples of such proof I am tempted to quote from a letter, sent to me by a valued correspondent in Chicago, from a soldier "in active service with the American Expeditionary Forces" in France to his home folks. He says:

You will note that I am somewhere in France. This is not as definite as it might be, but inasmuch as I have to be in France anyway, it doesn't make a great deal of difference just where I am. There is nothing much to be said about the Army, except that we are remarkably well treated—so much better than I ever imagined that I am agreeably surprised. The food is excellent, and our officers are continually looking out for our welfare, not only physically but morally. There are going to be a good many more real men made in the Army and by the Army than have ever been made by one institution before, and if a good percentage of us come back you are going to see a changed code for young men, I really believe. Another thing, coming down from more or less fancy salaries to the Army pay has a tendency to teach one the value of a dollar in a way peculiarly impressive.

Am enjoying the best of health, and considering that I am about 5,000 miles away from everyone who is near and dear to me, might be considered contented. Some day the Kaiser is going to get his, and we are going to help do it; and then I hope it is written that I may return to my own, perhaps a little older—but I'm still pretty young, at that—doubtless a little wiser, but surely more appreciative of the things with which we are blessed in our own land, and perhaps a little prouder if I may have helped to preserve that which we now realize is so dear to us—our liberty.

Also one from a Florida boy to his father from a training camp last March:

DEAR FATHER: Please excuse me for not writing sooner, but, as you know, moving is no small job. We arrived here Monday, and everything is very nice. Wednesday I was given a pass and called on Cousin Tommy. He took me out to supper, but as I had to be back in camp at 11, we could not take in a show or anything else.

Our section of the division is now doubly anxious to get "over there" since the sinking of the *Tuscania*, and our boys will surely avenge the cowardly murder of our comrades. When we leave no one knows, as orders come when we least expect them, but we are always ready; our training is perfect.

I had the pleasure of stretching my limbs on Florida soil, and I am sure I could have walked home if I could have obtained permission to go. Gee, being so close to home and my dear ones and not able to see them certainly gave me the blues until our train got out of Florida.

I am glad you, mother, and I don't write any doleful letters like some of our boys get; it does no good. What the boys like to receive from home are cheerful letters, letters that tell them that all is well at home, etc.

This may be my last letter until I get "over there." Remember me to all my friends and give them my best wishes. Tell them we soldiers all like to receive letters, even "P. C.'s" are prized.

You want to let everybody know that Uncle Sam takes good care of his soldiers and none of us can find any cause for complaint—plenty to eat, good and warm clothing, and the best medical care in case of sickness.

Don't forget to tell everybody of the great and noble work of the Red Cross.

I am well and happy, and I hope this will find you and all in like condition. With best love, etc.

Your devoted son.

These letters are illustrative of conditions which may be said to be characteristic in the Army.

The expansion of the Army has been a huge undertaking, admirably executed.

Just a brief reference to the figures will show that in April, 1917, there were in the Regular Army, 5,791 officers and 121,797 men. In April, 1918, there were 10,698 officers and 503,142 men.

The National Guard, April, 1917, had 3,733 officers and 76,713 men, and in April, 1918, 10,803 officers and 431,503 men.

The Reserve Corps—in service—in April, 1917, had no officers and 4,000 men; in April, 1918, there were 96,210 officers and 77,360 men.

The National Army had no officers or men in April, 1917, and in April, 1918, it had 516,839 men.

Total, April, 1917, 9,524 officers and 202,510 men, and in April, 1918, 123,801 officers and 1,528,924 men.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. Ashurst in the chair). Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I do.

Mr. GALLINGER. If the Senator is in possession of the information and it is proper to divulge it, can he tell me approximately how many men we have now in France?

Mr. FLETCHER. I could not attempt to be absolutely accurate.

Mr. GALLINGER. I ask the question for the reason that I have been asked to-day by a letter from a valued constituent to give that information if obtainable. I have not applied to

the War Department. As the Senator was discussing the matter I did not know but that he or the chairman of the committee might possibly be able to give me approximately the number.

Mr. FLETCHER. I would be very glad to give it to the Senator, but I could not do it with absolute accuracy; and even if I could I would hesitate to name the figure.

Mr. GALLINGER. I thought likely there might be an objection to doing that.

Mr. FLETCHER. I would prefer that the chairman of the committee should make a statement on the subject.

Mr. CHAMBERLAIN. I can not answer the question definitely at this time, but I agree with the Senator from Florida. I question the propriety of answering it just at this moment. I will say, however, that in discussing the matter with the Secretary of War a few days ago he said, "I know you will be agreeably surprised at the rapidity with which we are getting men to France." I am sure he would advise the Senator confidentially just what the status is.

Mr. FLETCHER. I think it would be more satisfactory for the Senator to get the information direct from the Secretary of War.

Mr. GALLINGER. I quite agree that that would be the proper procedure.

Mr. FLETCHER. Referring now to what I was saying, the first thing to be done was to get the men; the second was to provide for munitions, and then transportation.

I will not go through the various activities which are set forth in the Official Bulletin mentioned; and a most interesting and creditable showing is there made.

The absence of scandals, which make their appearance in all wars, big or little, is marked.

The mobilization of the military and naval forces within a year has been wonderfully successful.

The personnel of the Navy has grown from 4,792 officers to 20,664, and from 77,946 men to 329,333.

The increase in the Army has been 700 per cent, and in the Navy 400 per cent.

We have safely landed in France, beginning July 3, 1917, 88 days after war was declared, an American Army exceeding in strength greatly that which existed when we entered the war. Actually engaged on the front are more American soldiers than we had a year ago. That Army is fully equipped and has supplies sufficient to sustain it for six months of fighting.

The Medical Corps has increased its personnel from 8,000 to 106,000; officers from 900 to 18,000; Army nurses (women) from 375 to 7,000; ambulance service (in training) from nothing to 6,000; hospitals have been constructed and equipped; behind the lines in France the Medical Service has constructed hospitals for 200,000 sick and wounded.

The Marine Corps has grown from 426 officers and 13,266 enlisted men to 1,389 officers and 38,629 men.

Every department of the Government was confronted with new problems and new duties requiring enormous expansion of force and vast responsibilities. There has been a clear conception of these responsibilities and a spirit of patriotic fervor and absence of discord which ought to be reassuring in the highest degree.

There is no cause, so far as the administration of national affairs is concerned, for pessimism. Considering what is happening on the other side, we can not feel that there is reason for optimism. Our attitude should be one of consecration and determination.

I desire to insert in the Record an editorial from the Florida Times-Union of April 6, entitled "New conditions of the war," as a part of my remarks and at the close thereof without reading; also an editorial from the Christian Science Monitor of April 1, entitled "The lesson of the iron ramrods," with the same request.

The PRESIDING OFFICER (Mr. Lenroot in the chair). It is so ordered, without objection.

GERMAN EFFICIENCY.

Mr. FLETCHER. Sometimes we hear comparisons drawn between the efficiency of government under a democracy and that of a military autocracy, to the disparagement of the former.

Taking Germany as typical of the latter, let us get a glimpse of what it means.

In 1912 the greater portion of the farm work in Germany was done by women. A woman farm laborer was paid from 38 to 48 cents a day. Children over 12 years of age earned 24 cents a day. Male farm laborers were paid 72 cents a day. Engineers and conductors on State railroads were paid 70 cents a day. The State paid skilled railway shop workers about \$1 a day.

Gustavus A. Myers characterized the German industrial system as marked by these characteristics:

Oppression of the farmers, underpaid labor, industrial enslavement of women and children, shocking housing conditions, growing pauperism.

This was the price the German people paid for militarism, and it was against these that they revolted in 1848. Prussia put down that revolt when it threatened the old conditions, and thus Prussia made herself acceptable as the leading State of the Empire instead of Austria. As a result, a great emigration began led by Carl Schurz.

Here we have an indication as to the cost the people of Germany have paid for the military efficiency of which they boast. We can understand when the bottom stratum bears so large a proportion of the burden what opportunity is given to the surface for a display which so long deceived the world. How would the American people like the German system as an economic foundation for an American structure?

Mirabeau said 125 years ago:

War is the national industry of Prussia.

Later Napoleon said that Prussia "was hatched from a cannon ball."

The French military attaché, shortly before the Franco-Prussian War of 1870, wrote:

Other countries possessed an army, but in Prussia the army possessed the country.

Waging war has been the chief industry of Germany. The people have been made to believe it paid. The policy of aggression has been maintained, and in 1914 undoubtedly the plan was to acquire new territory and unlimited treasure.

Former Ambassador Gerard tells us in his book, *My Four Years in Germany*, page 76, that there have been many instances in Germany where officers having a slight dispute with civilians have instantly cut the civilian down. Witness the so-called Zabern affair.

Lieut. von Forstner had an altercation with a lame shoemaker and cut him down. He was tried by court-martial for striking and wounding an unarmed civilian and sentenced by the lower court to one year's imprisonment, but was acquitted by the higher court as having acted in "supposed self-defense" (p. 86).

The matter was a subject of debate in the Reichstag December 4, 5, and 6, 1913. The war minister in a bitter speech before the Reichstag justified and defended the lieutenant, who was only 20 years of age.

This Zabern affair and the consequent attitude of the whole nation, as well as the extraordinary vote in the Reichstag, greatly alarmed the military party. It was perhaps the final factor which decided the advocates of the old military system of Germany in favor of a European war.

The Social Democrats remained in their seats and refused to rise and cheer the Emperor when the Reichstag adjourned. It seems they have that custom in Germany, and that the Social Democrats had previous to that time retired from the Chamber, but on this occasion, notwithstanding they remained in their seats, they refused to cheer the Emperor.

Mr. Gerard says (p. 91):

This occurrence I know greatly incensed the Emperor and did much, I believe, to win his consent to the war.

This system results in raising up murderers of innocent women and children, breakers of solemn treaties, bombers of occupied hospitals and churches, and a monster capable of planting his tyrannical heel in the face of fair Belgium.

Against that sort of savagery, against that kind of brutal disregard of every civilized impulse, against that inhuman machine, we are forced to contend with all our might.

The people of the United States have given us the leader in that vital undertaking. He is the people's chosen commander of the land and naval forces of the country, and they trust him and they will follow him. Will Congress do less?

Will the Senate deny to him full and unquestioned authority to make the best possible use of the agencies created by law and the resources at hand "for the successful prosecution of the war?"

I hope and believe you will not.

Let us come to a decision on the measure. Delay is dangerous. Senators are unstinted in their criticism of delays holding up the work in various governmental activities, overlooking the fact that they appear to take their own time when it comes to enacting needed legislation.

For days bills reported by committees as urgent have been debated and opposed, as if Senators were perfectly willing to sacrifice liberty in re for liberty in verbiis.

The Constitution is invoked as if the country was made for the Constitution rather than the Constitution for the country.

The "all highest war lord" is not halting or hesitating in his operations.

The experiences at Saloniki, Gallipoli, and in Mesopotamia must not be repeated, and the tragic cry, "Too late," must not go up in France!

There can be no justification for marking time or killing time here when guns and gas bombs and bayonets are settling the world's future on the battle lines.

It is claimed by some that the President has all the power given by this bill under his constitutional prerogatives.

Mr. President, I do not understand that the Senator from Tennessee [Mr. SHIELDS] observed that it is claimed that the President has the power under some statute, but it is claimed that he has such power under his constitutional prerogative. If so, why object to repeating the authority and having it specifically delegated by Congress instead of asserted with some chance of contest? Except where statutes, regulations, or court interpretations stand in the way, the claim may be admitted. The trouble is there are such obstacles.

Quick decision and quick action are often important and situations arise when there is no time to examine statutes and regulations or to ask and secure their modification when found.

The President should have this delegation of the power to coordinate the executive and administrative agencies of the Government whenever and wherever he finds it advantageous for the uses of war on the instant.

Many existing executive and administrative processes of the Government are complicated and cumbersome. The necessary readjustments to meet war conditions can only be effectively obtained by a blanket authority to the President such as the bill provides.

It is contended that the bill creates an autocracy, but it is well said that "an autocracy is defined by the source, not by the extent, of power. No authority which is given and can be taken away by the people is autocratic."

There is full recognition of the power of Congress by the very proposals of this bill.

Congress has not hesitated to grant arbitrary power to executive departments. For instance, the power to issue fraud orders and deny citizens the use of the mails and the censorship given the Post Office Department. March 3, 1863, Congress passed an act (12 Stat., 775) which provided as follows:

That any order of the President or under his authority made at any time during the existence of the present rebellion shall be a defense in all courts to any action, civil or criminal, pending or to be commenced for any search, seizure, arrest, or imprisonment made, done, or committed, or acts omitted to be done under and by virtue of such order or under color of any law of Congress, and such defense may be made by special plea or under the general issue.

The Supreme Court upheld this statute in the case of *Mitchell v. Clark* (110 U. S., 633).

Any order for "search, seizure, arrest, or imprisonment" would seem to be fully as comprehensive and drastic as any action that would be possible under the provisions of the pending bill.

The bill expressly provides the normal peace status of affairs shall be resumed at the close of the war.

It is strictly a war measure, and there ought to be no hesitation about its enactment. No authority heretofore given the President has been abused and it is absurd to assume that the authority here granted would be. We are warranted—indeed, obliged—to do things in abnormal times which would not be considered under ordinary conditions. No more argument is required to sustain this bill than is needed to sustain that proposition.

APPENDIX I.

[From the Florida Times-Union, Jacksonville, Fla., Saturday, Apr. 6, 1918.]

NEW CONDITIONS OF THE WAR.

After three years of a war whose issue will shape the destinies of humanity for many years of the future, the enemies of Germany now present a front which has changed in many respects from the one that had grown familiar. Heretofore Germany defended herself in a large degree by the mobility of her forces, and this was made possible by the fact that all her strength could be directed by one mind. If that mind be capable, it is always possible for such a body to present a superior or effective force at the vital point chosen for action. Mr. Lloyd-George says the attack now wearing itself out employed "overwhelming numbers" against the British trenches. This does not mean that Germany had a superiority in men or guns in France, but that she collected her strength at the point of contact while no such concentration had been accomplished by her enemies.

At last the enemies of Germany have now taken a like measure, and Gen. Foch can direct without hindrance the movements of 5,000,000 men to secure an effect proposed. This change in conditions implies a radical change in the plans of campaign. Concentration can now be met by concentration, or a proposed attack may be diverted by an attack in another quarter so strongly pushed as to compel an abandonment of the proposed action of the enemy; when the tactics of Ludendorff can be met by the tactics of Foch, it will be a meeting of two minds as well as two bodies.

Now, let us apply the lesson to our own country. The resources of the American people are boundless as the world is generally used, and their whole strength has been loyally devoted to this war; so was the strength of France and of England and of Italy and of Belgium. But we have seen how the greater strength of one body could be attacked alternately with more or less success by the weaker body whose forces

were more easily handled, capable of swifter motion and quicker concentration. This activity of the German forces was possible because the organization had been carefully perfected by years of drill and the constant enforcement of rigid discipline for many years. It is the absence of such training that has made it impossible to collect all the force of Germany's enemies into one effective blow which, striking a vital organ, would paralyze the whole machinery of her life.

This inability to handle her power effectively on the spur of the moment forced France to abandon some of her most valuable Provinces to the enemy; it entailed the loss of England's expeditionary force, one of the finest armies ever sent to battle; even after a year's diligent preparation Italy felt the need of it in the successful raid of the enemy, which held a portion of the Lombardy plain for a time. But these, our friends, could mobilize their strength faster than we for many reasons. In the first place, they had lived for years in the constant anticipation of such a need as now comes to them; their plans had gone much further than their preparedness, although their preparation had progressed far beyond ours.

Moreover, their strength was concentrated within a comparatively small area, thickly inhabited and served by a better developed and better planned system of highways. Their highways were built with an eye to military uses, while the projectors of our roads had no thought or comprehension of military needs. Upon a war basis their Governments reach individuals immediately; ours must pass to the citizen through an infinity of laws, political organizations, and popular opinions as to what might be desired or permitted.

Let us now consider results. Attacked at her heart, the first year of the war showed France still unprepared because she had not provided effectively against a strike of railroad employees whose refusal to perform their appointed duties would isolate her armies and starve them into retreat or surrender. Her Government was republican, like ours, but she was compelled to place all the employees of her public-service plants under military law; after this to proclaim a strike was to propose a mutiny, and the individual became in law a deserter from the ranks. One year after a foreign enemy struck boldly at the gates of her capital the strength of France was still unorganized.

Two years after she had declared she was fighting for her life England found her power of attack threatened with dissolution by the danger of a strike from the coal mines and the munition factories. It was the organization of the fighting forces of industry that made Lloyd-George the directing mind of his country. If England did not reach this stage until two years after she declared war, she can not claim that her progress has been faster than ours.

Italy began to mobilize her forces when the German armies crossed the frontiers of Belgium in August, 1914. Perhaps she did not decide for some months on which side she would fight, and certainly others were in doubt, but she knew she must fight and devoted all her energies to the work of preparing for taking part in the war. She had achieved her preparedness in great measure when she cast in her lot with the entente powers, but more than a year after reaching that decision the Bolsheviks nearly broke down her strength in the trenches and her troops were compelled to abandon positions won at great cost of blood and treasure because she regarded them as threatening to her national life while they remained in the hands of the enemy.

Can it be said that, with all their advantages of propinquity to the war and of a greater concentration of population and political powers, our allies have done more in a year than we have accomplished? In a like period they had not prepared adequately for their defense—we speak not of a military defense exclusively, but of all the forces that make defense effective—their credit was largely exhausted, their supplies of food and munitions had become inadequate. That this was true of the enemy nations also should not conceal from us the fact that it was equally applicable to our friends, who had every advantage they could derive from that command of the sea which had been supposed to exert a commanding influence on such a struggle. Even without the interposition of the submarine, the entente powers were in danger of defeat for lack of supplies which could not be secured from neutrals without the money or credit which was rapidly falling from them because the financial burden must be carried in great part by one of them.

Now, what has the United States accomplished within a year? We who would be glad to find she has done the impossible need not be ashamed to declare the result in plain language. It is objected that our Army at the front is small, that our guns are few, and our air service in embryo—allowing the weight of these facts, what have we on the credit side of the ledger?

We have been in the war for a year. We found our friends asking for money, first of all; we have given it ungrudgingly, in full measure, and running over. The resources at the command of the enemies of the central Empires now embrace the wealth of the world subject only to the dangers of transportation across an ocean which a friend proposes to command, to protect, and to police. It was supposed that Britain would provide the navy and the shipping to make our aid effective.

We found our allies in immediate need of food and raw materials for the manufacture of munitions. In large measure we have provided these in unprecedented quantities for a year; from the lack of these defeat was imminent when we entered the war.

Britain, France, and Italy together have a force of 10,000,000 soldiers; unaided and alone we have a like number subject to call and nearly 2,000,000 already in the service or in preparation. Does it encourage Germany to know that when she has wiped from the face of the earth all the soldiers now in arms against her, she must meet an American Army of like numbers, as good in every sense, on the same ground? The soldier is the power that comes next after the provision of supplies that can alone make his bravery and skill effective; we have provided the money, the food, and the raw materials for this war, and we have the men in evidence.

Now, when we were asked for billions in money and millions of tons of provisions as the immediate necessities of our friends, we could not perform every service at the same moment. But the plans were then laid for the contracts under which we have secured the machinery for the production of shipping of aeroplanes; all this machinery was non-existent when the demand for their use was made. The reports from the Departments of the War and Navy show notable progress; show the confident expectation that within another year we shall provide as much of all these as our three friends produce after their third year; we shall show our grand total with a whole year saved. Is this an achievement in which we can take no pride?

Let us recapitulate. Within a year we have organized the military resources of a population of 100,000,000 of people on a war basis—of a people trained only to peace—which had never been so organized before, since the demand made upon it during our Civil War was on a

smaller scale, was immediately released and had been completely forgotten except as ancient history. To do this every existing industry must be put upon a new footing—our highways, our finances, our manufacturing industries, and our occupations must all be made over. The new demands were so heavy that every element of strength broke down under the strain as truly as these had broken down in England, France, and Italy, whose resistance met the original demands. Now we find that what they have done in three years we have done in one, because we have taken up their crushing burdens of money and food under which they were falling down so as to relieve their fighting strength of this incubus, and we are prepared, within a less time than they needed, to duplicate their production of men and fighting machinery.

Criticism that shows defects in the working of this vast machine may prove of service and is justified in so far as they are intended to correct faults, relieve undue strain at particular points, and show the possibility of even greater efficiency for the whole; but those who say America has done less than her duty in the common cause lack the vision which takes in the whole plan covered and must have failed to study the fruit already maturing to the harvest. It is for the American to take pride in his country instead of apologizing; it is for our friends to see what is behind America at war rather than to confine their consideration to the trench war only.

APPENDIX II.

[From the Christian Science Monitor.]

BOSTON, U. S. A., Monday, April 1, 1918.

THE LESSON OF THE IRON RAMRODS.

It is a regrettable fact that just at the present moment there should have sprung up in the United States a controversy, indeed, a heated controversy, over the war. Some controversy there has always been, a controversy which has at times threatened the national unity. But it has generally calmed down as those engaged in it have had time to think again, and have recognized the vital necessity of unity in the present crisis. No doubt there have been faults on both sides, but equally no doubt in any great war it is easy to criticize the party in power. Everybody knows that in spite of determined efforts to maintain harmony, dissatisfaction grew so violent at one time that a change of government took place in the United Kingdom, whilst there have been certain other individual resignations arising out of individual differences. In France, again, there has been a perfect succession of premiers, whilst in Italy also there has been change. It is not curious, then, that there should be considerable difference of opinion in the United States, but there is this excuse to be advanced for Mr. Wilson's government, which can scarcely be advanced for that of any other country, the excuse that the United States was not merely unprepared for war but that it did not possess any of the machinery by which wars are made.

It had not, that is to say, any great dockyards like the United Kingdom or any great arsenals like France and Italy. It was so unaccustomed to making munitions that when, as a neutral, its firms tendered to the allied Governments for munitions they found in numerous cases that they were unable to obtain the machinery to fulfill their contracts. Then, again, the American mercantile marine had been for half a century permitted to decay. Therefore when the demand for ships was made, not only was it necessary to increase the existing plants but it was absolutely necessary to build new plants and convert ordinary mechanics into shipwrights. These were difficulties that other countries had not experienced in at all the same degree, because other countries possessed numbers of trained mechanics, used to making munitions, and capable of quickly training others to increase the output. For this reason the Government of the United States was entitled to claim special consideration. But unfortunately what has taken place has been something more than an ordinary delay and has to be accounted for by some other means than a national inaptitude for specific work.

The old shipyards have not done badly. They have doubled their plants and set to work to turn out a considerable amount of shipping. This is largely true of the Great Lakes, for instance, where a considerable output is still locked up by frozen waterways. It is true in even a greater degree of certain large steel works. Nevertheless, on the whole, the Nation is distinctly disappointed with its own achievement and is asking how it is that a country which has done such marvelous feats of engineering and has been capable of such vast business organizations should be found so largely failing to justify its own reputation in so tremendous a crisis.

Now, curiously enough, the explanation largely is in the crisis. The people of the United States have lived so cut off from the world outside their own borders that when the war broke out they entirely failed to grasp not only what it meant but what it amounted to. It has taken the country years to begin to grasp something of the intricate political intricacies which made the incidents of the month of July, in 1914, inevitable. But there was something else that the country failed to understand even more, and that was the tremendous forces which had been unchained and the colossal preparations which had been heaped up against what Germany has always described as "der tag." The ordinary citizen of the United States scarcely understood, in the faintest degree, what the British Navy meant or what the German Army really amounted to. He had hardly begun to comprehend, when the war seized upon his own country, what it means to build a fleet or to muster, equip, and train an army. And it is perfectly safe to say that he had not the faintest idea of the amount of munitions which could be expended in a single day's fighting. When, consequently, the war came he imagined that he could proceed largely in the leisurely method of the old days. But just as Frederick, or perhaps one should say old Dessauer, taught Austria the lesson of iron ramrods, and just as Napoleon taught Prussia the obsolescence of the oblique formation, so the United States, in its turn, had to discover that it could not do in a year what it had taken the European nations centuries to acquire a mastery of.

That is the real secret of the failure of the United States, and it is not a failure to be altogether ashamed of. It would have been better no doubt if, when the cloud burst, the country had realized a little more quickly that it knew nothing of the game of war. Then there would have been no time wasted over trying to improve on mechanical masterpieces, like the 75-millimeter French gun or the Lee-Enfield rifle. After all, when a nation is at war, the great thing is to get into the war, and not to set to work to make experiment which, if they were going to be made, should have been made before the war. The people of the United Kingdom, like the people of the United States, are rather proud than otherwise that they were not ready for the war, and they hold their unreadiness the greatest proof of their love of and desire for peace. But when the war broke on them they knew enough about fighting to know what war meant, and to be aware that in war time counts for more than most

things. In the United States the Government officers imagined that they could settle down to perfecting aeroplane engines and quick fliers with the same deliberateness as if they were plows and farm tractors. The United Kingdom and France, with their centuries of experience, knew otherwise.

Now, it is just here that the President's mistake developed. He showed, it is to be suspected, too much loyalty to his assistants. Everyone who knows the President knows one thing, that he gives his confidence slowly but that when he has given it, it is hard to destroy it. Loyalty is a magnificent quality, but there are moments in the history of nations when even loyalty may be strained too far. And some of the warmest of Mr. Wilson's supporters labor under the impression that in more than one instance his loyalty to his supporters has passed the bounds of wisdom. It is a peculiarly difficult thing to fathom the rights and wrongs of any complicated case, and this does not become less difficult when party feeling has entered into the discussion of it. But, brushing aside the details and the innumerable specific instances of failure which have been so largely in evidence in the debates of Congress, the fact remains that the output of the country has not been equal to what it should have been. It is, of course, equally true that swapping horses in crossing a stream is undesirable, and that even when the swapping is effected without disaster the new horse often does not exhibit a greater pace than the old one. Nevertheless, there are certain offices in the United States held to-day by gentlemen whose removal would not exactly destroy the confidence of the Nation in the President's ability to see the war through.

Mr. SHERMAN addressed the Senate. After having spoken for three-quarters of an hour,

Mr. OVERMAN. Mr. President—

Mr. SHERMAN. I yield.

Mr. OVERMAN. I understand the Senator would prefer to finish in the morning.

Mr. SHERMAN. Yes; I can finish in the morning, and very expeditiously, too.

Mr. OVERMAN. If the Senator prefers that course, I will move an executive session.

Mr. SHERMAN. I prefer it, if it is agreeable to the Senator.

Mr. OVERMAN. Very well.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

Mr. OVERMAN. I submit a conference report on House bill 8753, known as the bill to amend section 3, title 1, of the espionage act, which I ask may lie on the table and be printed.

The PRESIDING OFFICER. The conference report will lie on the table and be printed.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or attempt to obstruct"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any

foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who in an abusive and violent manner criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 2. That section 1 of Title XII and all other provisions of the act entitled 'An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917, which apply to section 3 of Title I thereof shall apply with equal force and effect to said section 3 as amended.

That Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"Sec. 4. When the United States is at war the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,

Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
WARREN GARD,
DICK T. MORGAN,

Managers on the part of the House.

ADJOURNMENT.

Mr. OVERMAN. I move that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 23, 1918, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 22, 1918.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 4.

The following-named persons to be secretaries of embassy or legation of class 4 of the United States of America:

Williamson S. Howell, jr., of Texas, formerly a secretary of embassy or legation of class 4, assigned to San Jose, Costa Rica.
G. Howland Shaw, of Boston, Mass.
Cornelius Van H. Engert, of Berkeley, Cal.
Curtis C. Williams, jr., of Columbus, Ohio.

Joseph W. Carroll, of New York City.
Walter C. Thurston, of Phoenix, Ariz.
Sam S. Dickson, of Gallup, N. Mex.
Nathan P. Stedman, of Aurora, Ind.

UNITED STATES DISTRICT JUDGE.

George W. English, of Centralia, Ill., to be United States district judge, eastern district of Illinois, vice Francis M. Wright, deceased.

UNITED STATES MARSHALS.

Joseph McEachin, of Reno, Nev., to be United States marshal, district of Nevada, vice A. B. Gray, whose term has expired.

Stephen J. Doyle, of Fargo, N. Dak., to be United States marshal, district of North Dakota. A reappointment, his term having expired.

RECEIVER OF PUBLIC MONEYS.

Charles E. Harris, of Idaho, to be receiver of public moneys at Blackfoot, Idaho, his present term expiring April 26, 1918. (Reappointment.)

REGISTER OF THE LAND OFFICE.

Henry Heitfeld, of Idaho, to be register of the land office at Lewiston, Idaho, his present term expiring April 26, 1918. (Reappointment.)

APPOINTMENT IN THE NATIONAL ARMY.

GENERAL OFFICER.

To be brigadier general with rank from April 18, 1918.

Col. Frank T. Hines, General Staff, National Army, to be brigadier general.

CONFIRMATION.

Executive nomination confirmed by the Senate April 22, 1918.

UNITED STATES MARSHAL.

Joseph McEachin to be United States marshal for the district of Nevada.

HOUSE OF REPRESENTATIVES.

MONDAY, April 22, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, on earth, and in the hearts of men, we approach Thee with profound gratitude for life, liberty, truth, justice, mercy; and all that makes life dear.

Eternal vigilance is the price of liberty; a lesson which we are learning anew in the world's present crisis. Help us to realize that eternal vigilance is not only the price of liberty, but it is the price of all that makes for righteousness in the soul.

Make us, therefore, we beseech Thee, zealous in all good works, that we may be strong to resist evil and to defend our rights against all intruders; and bring us in Thine own good time unto the measure of the stature of the fullness of Christ, and we will ascribe all praise to Thee, in His Name. Amen.

The Journal of the proceedings of Saturday was read and approved.

INTERNATIONAL PARLIAMENTARY CONFERENCE ON COMMERCE (S. DOC. NO. 218).

The SPEAKER laid before the House the following communication from the Secretary of State.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, April 20, 1918.

HON. CHAMP CLARK,
Speaker of the House of Representatives.

Sir: I have the honor to inclose herewith, for the information of the House of Representatives, a copy of a dispatch from the American ambassador at Paris, covering a copy and a translation of a letter from the secretary general of the International Parliamentary Conference on Commerce, whose permanent bureau is ordinarily at Brussels, requesting the ambassador to bring to the attention of the Members of the Congress of the United States the fact that the fourth general assembly of the conference has been postponed from the first days of May until the 2d, 3d, 4th, and 5th days of July next.

It appears from the ambassador's dispatch that Members of the Senate and House of Representatives have already been invited to attend by the executive committee of the conference.

A letter similar to this has been addressed to the President of the Senate.

I have the honor to be, sir,
Your obedient servant,

FRANK L. POLK,
Acting Secretary of State.

(Three inclosures: From France, No. 6100, Mar. 20, 1918, with two inclosures.)

The honorable the SECRETARY OF STATE,
Washington.

PARIS, March 20, 1918.

Sir: I have the honor to inclose herewith a copy and translation of a letter from the secretary general of the International Parliamentary Conference on Commerce, whose permanent bureau is ordinarily at Brussels, requesting me to bring to the information of the Members of Congress that the fourth general assembly of the conference is postponed from the first days of May to be held on the 2d, 3d, 4th, and 5th of July.

It seems from this letter that the Members of the Senate and House of Representatives have already been invited by the executive committee of the conference.

I have the honor to be, sir,

Your obedient servant,

WM. G. SHARP.

(Inclosures: 1. From the International Parliamentary Conference on Commerce, postponing fourth general assembly. 2. Translation of inclosure 1.)

CONFERENCE PARLEMENTAIRE INTERNATIONALE DU COMMERCE.

BUREAU PERMANENT BUREAUX 18, RUE GRANGE BATELIÈRE,
DE BRUXELLES. Paris, 13 mars 1918.
Secrétariat Général.

Monsieur l'Ambassadeur: J'ai l'honneur de porter à votre connaissance qu'à la requête du Comité parlementaire italien d'accord avec le Gouvernement italien, la quatrième Assemblée plénière de notre Conférence qui devait avoir lieu à la Chambre des Communes, les 7, 8, 9, et 10 mai, est retardée. Elle aura irrévocablement lieu les 2, 3, 4, et 5 juillet. Notre Conseil a invité à ces réunions officielles les membres de la Commission du Commerce de la Chambre et du Sénat des Etats-Unis. Tous les Parlements alliés, et même le Japon, y prendront part officieusement. Notre Conseil devrait beaucoup de gratitude à Votre Excellence s'il lui plaisait de porter cette information à la connaissance des parlementaires Américains.

Veuillez agréer, Monsieur l'Ambassadeur, l'hommage de mon profond respect.

Pour le Conseil Général: le Secrétaire-Général:

EUGÈNE BAIE.

[Translation.]

INTERNATIONAL PARLIAMENTARY CONFERENCE ON COMMERCE.

PERMANENT BUREAU OFFICES: 18 RUE GRANGE BATELIÈRE,
OF BRUSSELS. Paris, March 13, 1918.
General Secretariat.

MR. AMBASSADOR: I have the honor to inform you that at the request of the Italian parliamentary committee, in agreement with the Italian Government, the fourth general assembly of our conference, which was to have taken place at the House of Commons on the 7th, 8th, 9th, and 10th May, has been postponed. It will be held, irrevocably, on the 2d, 3d, 4th, and 5th July. Our executive committee has invited to these unofficial meetings the members of Commission on Commerce of the House of Representatives and of the Senate of the United States. All the allied Parliaments, and even Japan will take part therein unofficially. Our executive committee would be very grateful if it would please your excellency to bring this information to the knowledge of the American Parliamentaries.

Kindly accept, Mr. Ambassador, etc.

For the executive committee, the Secretary-General.

EUGÈNE BAIE.

The SPEAKER. Referred to the Committee on Foreign Affairs.

LEAVE OF ABSENCE.

By unanimous consent, Mr. JONES was granted leave of absence for two weeks.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 19, 1918:

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

On April 20, 1918:

S. 383. An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes;

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders; and

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

DISTRICT BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation which is on the Union Calendar.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, pending that I would like to ask unanimous consent to insert in the Record a letter from the Attorney General of the United States on the subject of this bill to try everybody by a military court.